

# **PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972**

## **SENATE RESOLUTION 60**

---

**HEARINGS**  
**BEFORE THE**  
**SELECT COMMITTEE ON**  
**PRESIDENTIAL CAMPAIGN ACTIVITIES**  
**OF THE**  
**UNITED STATES SENATE**  
**NINETY-THIRD CONGRESS**  
**FIRST SESSION**

---

**WATERGATE AND RELATED ACTIVITIES**

**Phase I: Watergate Investigation**

**WASHINGTON, D.C., JUNE 27, 28, 29, AND JULY 10, 1973**

**Book 4**



Printed for the use of the  
Select Committee on Presidential Campaign Activities

**U.S. GOVERNMENT PRINTING OFFICE**

96-296 O

**WASHINGTON : 1973**

---

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price \$3.00  
Stock Number 5270-01964

# SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

(Established by S. Res. 60, 93d Congress, 1st Session)



SAM J. ERVIN, JR., North Carolina, *Chairman*

HOWARD H. BAKER, JR., Tennessee, *Vice Chairman*

HERMAN E. TALMADGE, Georgia

EDWARD J. GURNEY, Florida

DANIEL K. INOUE, Hawaii

LOWELL P. WEICKER, JR., Connecticut

JOSEPH M. MONTAYA, New Mexico

SAMUEL DASH, *Chief Counsel and Staff Director*

FRED D. THOMPSON, *Minority Counsel*

RUFUS L. EDMISTEN, *Deputy Chief Counsel*

ARTHUR S. MILLER, *Chief Consultant*

DAVID M. DORSEN, *Assistant Chief Counsel*

TERRY F. LENZNER, *Assistant Chief Counsel*

JAMES HAMILTON, *Assistant Chief Counsel*

CARMINE S. BELLINO, *Chief Investigator*

WAYNE H. BISHOP, *Chief Field Investigator*

EUGENE BOYCE, *Hearings Record Counsel*

R. PHILLIP HAIRE, *Assistant Counsel*

MARC LACKRITZ, *Assistant Counsel*

WILLIAM T. MAYTON, *Assistant Counsel*

RONALD D. ROTUNDA, *Assistant Counsel*

DONALD G. SANDERS, *Deputy Minority Counsel*

HOWARD S. LIEBENGOD, *Assistant Minority Counsel*

H. WILLIAM SHURE, *Assistant Minority Counsel*

ROBERT SILVERSTEIN, *Assistant Minority Counsel*

LAURA MATZ, *Administrative Assistant*

CAROLYN ANDRADE, *Office Manager*

JOAN C. COLE, *Secretary to the Minority*

# CONTENTS

## HEARING DAYS

Wednesday, June 27, 1973.....	Page 1347
Thursday, June 28, 1973.....	1431
Friday, June 29, 1973.....	1507
Tuesday, July 10, 1973.....	1601

## CHRONOLOGICAL LIST OF WITNESSES

### WEDNESDAY, JUNE 27, 1973

Dean, John W., III, former counsel to the President, accompanied by Charles N. Shaffer and Robert C. McCandless, counsels, testimony resumed.....	1348
Shaffer, Charles N., Esq., statement of.....	1574

### THURSDAY, JUNE 28, 1973

Dean, John W., III, testimony resumed.....	1431
--	------

### FRIDAY, JUNE 29, 1973

Dean, John W., III, testimony resumed.....	1508
--	------

### TUESDAY, JULY 10, 1973

Mitchell, John N., former Attorney General and campaign director of the Committee To Re-Elect the President, accompanied by William G. Hundley, Plato C. Cacheris, and Marvin Segal, counsels.....	1601
--	------

## INTERROGATION OF WITNESSES BY MEMBERS OF THE COMMITTEE AND COUNSELS

Ervin, Hon. Sam J., Jr.....	Dean: 1388, 1389, 1429, 1430, 1452-1465, 1531, 1532, 1536, 1537, 1569, 1596, 1599, 1600.
Baker, Hon. Howard H., Jr.....	Dean: 1465-1488, 1491-1495, 1537-1557, 1563, 1569, 1597, 1598.
Talmadge, Hon. Herman E.....	Dean: 1488-1490, Mitchell: 1653-1667.
Inouye, Hon. Daniel K.....	Dean: 1412-1429, 1431-1451, 1526-1535, 1557-1562.
Montoya, Hon. Joseph M.....	Dean: 1508-1511.
Gurney, Hon. Edward J.....	Dean: 1351-1387, 1389-1408, 1511-1523. Mitchell: 1667-1681.
Weicker, Hon. Lowell P., Jr.....	Dean: 1495-1504.
Dash, Samuel, Chief Counsel and Staff Director.....	Dean: 1349, 1350, 1386, 1387, 1408-1411, 1564-1580. Mitchell: 1602-1636.
Thompson, Fred D., minority counsel.....	Dean: 1580-1597. Mitchell: 1636-1652.

## EXHIBITS SUBMITTED FOR THE RECORD

No. 44—(1349) Papers from a file entitled "Opponents List" and "Political Enemies Project." First document is briefing paper prepared for Mr. Haldeman for a meeting with the head of IRS. This is followed by "IRS Talking Paper.".....	1682
No. 45—(1349) Memorandum for John Dean from Charles Colson re: Tax discrepancies in income tax return of Harold J. Gibbons, vice president of the Teamsters Union.....	1686
No. 46—(1349) Memorandum for John Dean from Charles Colson re: Information received from an informer concerning Jack Anderson.....	1687

NOTE.—Figures in parentheses indicate page that exhibit was officially made part of the record.

## IV

	Page
No. 47—(1349) Memorandum for John Dean from Jack Caulfield. Subject: Opposition Activity.....	1688
No. 48—(1350) Memorandum prepared by John Dean for members of the White House staff. Subject: Dealing with our Political Enemies.....	1689
No. 49—(1350) Memorandum for John Dean from Charles Colson re: Names given top priority on enemies list.....	1692
No. 50—(1350) Memorandum for Larry Higby from John Dean concerning names for enemies list.....	1697
No. 51—(1350) Section of a news summary from Higby to Dean, indicating that DNC treasurer Robert Strauss should be on the list.....	1699
No. 52—(1350) Additions to enemies list sent to John Dean from Gordon Strachan.....	1700
No. 53—(1350) Memorandum for John Dean from Gordon Strachan. Subject: Political Enemies. (Re: Chet Huntley.).....	1701
No. 54—(1350) Memorandum to John Dean from Gordon Strachan with attached news summary indicating that J. Irwin Miller might be considered for enemies list.....	1703
No. 55—(1350) Memorandum from a member of Charles Colson's staff re: People who attended a rally for a "dump Nixon" program.....	1705
No. 56—(1350) List of McGovern campaign staff with asterisks beside key names that were to be included in the opponents project.....	1707
Nos. 57 and 58—(1388) Marked for identification only and are not for publication.....	
No. 59—(1393) Bank statement on account of John Welsey [sic] Dean, III.....	1712
No. 60—(1409) Additional document updating the enemies list, entitled "Politicos Continued".....	1713
No. 61—(1409) Memorandum from member of Charles Colson's staff. Subject: Opponents Lists.....	1725
No. 62—(1409) Memorandum re: Updating of opponents list.....	1728
No. 63—(1410) Document entitled "Corporate Executives Committee for Peace, Trip to Washington—June 25, 1970." This document also is an update of the enemies list.....	1730
No. 64—(1410) List of Democratic contributors of \$25,000 or more in 1968 campaigns (from New York Times Story, June 20, 1971).....	1733
No. 65—(1410) Memorandum re: List of Muskie contributors to be added to opponents list.....	1734
No. 66—(1412) Letter from J. Fred Buzhardt, special counsel to the President, to Senator Inouye re: Questions and a memorandum previously furnished the committee in questioning Mr. Dean.....	1754
No. 67—(1412) Memo and questions pertaining to exhibit No. 66.....	1755
No. 68—(1525) Memorandum of Law, Admissibility of Hearsay Statements of a Co-conspirator. Submitted by Samuel Dash, chief counsel and staff director, Senate Select Committee on Presidential Campaign Activities.....	1783
No. 69—(1557) Letter from Congressman Garry Brown to Senator Ervin re: Certain statements made by Mr. Dean.....	1791
No. 70—(1563) Letter from Senator Strom Thurmond to Senators Baker and Gurney and Mr. Fred Thompson re: Mr. Harry Dent declining to do research against Senator Ervin.....	1793
No. 70A—(1569) Detailed notes of Fred D. Thompson, minority counsel, of telephone conversation with J. Fred Buzhardt, special counsel to the President re: Conversation between the President and Mr. Dean.....	1794
No. 71—(1573) Letter to Mr. Garnett D. Inscoc, Suburban Trust Co., from Shaffer, McKeever & Fitzpatrick with enclosures.....	1801
No. 72—(1595) Request for transportation dated October 11, 1972.....	1808
No. 73—(1595) Request for transportation dated October 19, 1972.....	1809
No. 74—(1655) Memorandum for the Attorney General from Jeb S. Magruder, dated December 3, 1971.....	1810
No. 75—(1656) Memorandum for the Attorney General from Jeb S. Magruder, dated January 14, 1972. Subject: Telephone Plan for the Florida Primary, with attachment.....	1811

NOTE.—Figures in parentheses indicate page that exhibit was officially made part of the record.



## PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972 PHASE I: WATERGATE INVESTIGATION

---

WEDNESDAY, JUNE 27, 1973

### U.S. SENATE, SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES, *Washington, D.C.*

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator ERVIN. We have two very peculiar questions which have been addressed to the committee, apparently by Mr. J. Fred Buzhardt, special counsel to the President. The first question addressed to the committee by Mr. Buzhardt is this:

"Did you and your counsel develop a strategy for obtaining immunity from prosecution? What were the elements of that strategy?"

On behalf of the committee, I would reply to Mr. Buzhardt that the only strategy we developed was to pursue the course outlined by the act of Congress codified as sections 6002 and 6005 of title 18 of the United States Code.

The second question to the committee is: "Didn't your strategy include deliberate leaks of information to the media on what you had told investigators?" Maybe this is addressed to Mr. Dean, I do not know. [Laughter.] It is probably addressed to Mr. Dean.

Mr. Dean, I will ask you these questions—well, maybe I had just better let us proceed in orderly fashion. I am sorry I misconstrued the question.

Senator BAKER. Mr. Chairman, I had not seen these before this moment. I notice there is a cover letter dated June 27, 1973, which I have seen now for the first time. It says, "Pursuant to the rules of the committee, there are enclosed herewith questions which we believe would be appropriate to have asked of Mr. Dean."

I will say again I have only seen these just now, but from that cover letter it would appear to me that these are questions submitted to be propounded to the witness and not to the committee. I wonder if the chairman might agree with me in view of the cover letter which has been handed me by counsel.

Senator ERVIN. The only thing which misled me was the fact we had two series of questions. One of them was numbered 1 and 2, and the second series of questions also are numbered 1 and 2. So I drew the inference from this that the first question and the second question were addressed to the committee. But perhaps I have misconstrued that.

Senator BAKER. I think I would agree with my chairman, who has implied that it would be inappropriate for anyone to address questions to the committee, and if that is in fact the fair intendment of the letter, then I do disagree with it and I would suggest that they be disregarded. If, in fact, they are questions submitted under rule 25 of the Standing Rules of the Committee to be propounded to the witness, it would seem to me we have a different situation.

Senator ERVIN. I might state these were just handed to me about 1 second before I read them, and I drew the inference since the questions were separated as they were, some of them were addressed to the committee rather than the witness. But perhaps I am mistaken in that, but I would say that the only strategy this committee has followed to secure immunity for any witness has been to pursue the law strictly.

Senator BAKER. I think the chairman is entirely correct, and I think the committee has tracked the provisions of the statute carefully. On one occasion, at least, Mr. Chairman, I recall that we retracked our steps for fear there might be a technical deficiency in our method of operation. The votes have been unanimous in each case, even though the statute only requires a two-thirds vote in order to request immunity. So I agree with my chairman that the only strategy this committee has followed is to track the provisions of the available statute law in order to gain the most information we can in order to present it to the Senate.

Mr. DEAN. Mr. Chairman—

Senator ERVIN. Now, yesterday the witness was asked to produce some exhibits, and I just wanted to ask him if he had provided them.

**TESTIMONY OF JOHN DEAN III, FORMER COUNSEL TO THE PRESIDENT, ACCOMPANIED BY CHARLES N. SHAFFER AND ROBERT C. McCANDLESS, COUNSELS—Resumed**

Mr. DEAN. Mr. Chairman, the only thing I wanted to say, the only involvement I had in what you are referring to is I did participate a number of years ago first in the development of that statute and, second, its drafting and its relationship with the Senate in its adop-

tion, but I did take at that time, in representing the Department of Justice, a far different position that the Attorney General should have the ability to nullify any request of any committee to grant immunity to any witness, which is far different from the one Congress accepted ultimately.

Mr. DASH. Now, Mr. Dean, did you bring with you this morning the exhibits that you indicated you had and the committee requested you to bring?

Mr. DEAN. Yes, I did, Mr. Dash.

Mr. DASH. Could you just submit them and perhaps identify them as you submit them to the committee?

Mr. DEAN. These are from a file that is entitled "Opponents List and Political Enemies Project." The first document in the file, and these are not in any chronological order, is a briefing paper that was prepared for Mr. Haldeman for a meeting with the head of Internal Revenue Service. The goal of the briefing paper which was based on material that was provided to me by Mr. Caulfield who, in turn, got information from friends of his within the Internal Revenue Service, was to make the IRS politically responsive to the White House, and I think that the document is self-explanatory. It is not marked other than the heading which says "To Accomplish Make IRS Politically Responsive."

I will mark these as I—

Mr. DASH. Well, you can mark them following your last exhibit number.

Mr. DEAN. For the sake of the record, right now I will call it exhibit A.

[The document referred to was marked exhibit No. 44.<sup>1</sup>]

Mr. DEAN. The next exhibit, which I will call B, is a memorandum from Charles Colson to me, dated June 12, 1972, regarding tax discrepancies in the income tax return of Mr. Harold J. Gibbons, vice president of the Teamsters Union, in which Colson indicates that he is an all-out enemy, a McGovernite and an anti-Nixon person, and he believes that there should be an audit started at once, and if there is an informer's fee, he would like to know because he believes there is a good cause in which that informer's fee can be donated to. [Laughter.]

[The document referred to was marked exhibit No. 45.<sup>2</sup>]

Mr. DEAN. The next document is a memorandum from Charles Colson, dated November 17, 1972, regarding the fact that he has received information from an informal, some information regarding Mr. Jack Anderson referring to the fact that Mr. Anderson was found in a room with certain wiretap in private—wiretap equipment in connection with the Dodd investigation.

[The document referred to was marked exhibit No. 46.<sup>3</sup>]

Mr. DEAN. The next memorandum is a document from Mr. Caulfield to me, dated August 12, 1971, in which Mr. Caulfield briefly indicates that he has talked with Mr. Nofziger to come up with a candidate to assist in the enemy's project.

[The document referred to was marked exhibit No. 47.<sup>4</sup>]

Mr. DEAN. The next is a copy of a memorandum of August 16, 1971, that was prepared for Mr. Haldeman, Mr. Ehrlichman, and others at the White House by myself, which addresses itself to the general prob-

<sup>1</sup> See. p. 1682.

<sup>2</sup> See p. 1686.

<sup>3</sup> See p. 1687.

<sup>4</sup> See p. 1688.

lem of dealing with political enemies and a strategy which would involve a number of members of the White House staff in various phases of that project to deal with political enemies.

[The document referred to was marked exhibit No. 48.<sup>1</sup>]

Mr. DEAN. The next is a document dated September 9, 1971. It is from Charles Colson to John Dean, in which Mr. Colson has checked in blue those that he would give top priority on the enemies' list, and an attached series of lists that were prepared by Mr. Colson's office of what were deemed opponents or political enemies.

[The document referred to was marked exhibit No. 49.<sup>2</sup>]

Mr. DEAN. The next is a memorandum dated September 14, 1971, which is a memorandum from myself to Larry Higby which attached the names that he had requested in connection with the political enemies' project and a limiting of that list to some 20 names. These were names which were based on the suggestion of Mr. Colson.

[The document referred to was marked exhibit No. 50.<sup>3</sup>]

Mr. DEAN. The next is a section of the news summary, of what date I don't know. It is from Mr. Higby to me, indicating that DNC Treasurer Robert Strauss should be on the list.

[The document referred to was marked exhibit No. 51.<sup>4</sup>]

Mr. DEAN. The next is a document dated September 17 from Gordon Strachan to me indicating that the attached list should be included in the political enemies' project. And there is attached a list.

[The document referred to was marked exhibit No. 52.<sup>5</sup>]

Mr. DEAN. The next is a memorandum from Gordon Strachan dated October 26, 1971, to me, indicating that Mr. Nofziger sent the attached information on Chet Huntley to Mr. Haldeman and that since I have the action on the political enemies project I should make a determination of what should happen and advise Mr. Nofziger of what should happen.

[The document referred to was marked exhibit No. 53.<sup>6</sup>]

Mr. DEAN. The next is a memo from Gordon Strachan of November 5, 1971, subject J. Irwin Miller which indicates that he fits into the enemies project.

[The document referred to was marked exhibit No. 54.<sup>7</sup>]

Mr. DEAN. The next is a memorandum from a member of Mr. Colson's staff that is part of one of many memorandums that came in, this one is dated June 28, where there was a continual updating of the opponents list.

[The document referred to was marked exhibit No. 55.<sup>8</sup>]

Mr. DEAN. And the last document is one relating to the McGovern campaign staff with asterisks beside certain key names that were to be included in the opponents project also.

[The document referred to was marked exhibit No. 56.<sup>9</sup>]

Mr. DEAN. And that is the sum and substance of the request that I have available that Mr. Weicker asked me for yesterday.

Mr. DASH. Mr. Dean, can we have those? They will be marked, and we will make copies of them for members of the committee and circulate them to members of the committee.

Senator ERVIN. Let the reporter mark them with the appropriate numbers.

<sup>1</sup> See p. 1689.

<sup>2</sup> See p. 1692.

<sup>3</sup> See p. 1697.

<sup>4</sup> See p. 1699.

<sup>5</sup> See p. 1700.

<sup>6</sup> See p. 1701.

<sup>7</sup> See p. 1703.

<sup>8</sup> See p. 1705.

<sup>9</sup> See p. 1707.

I would just like to say I am sorry I misconstrued Mr. Buzhardt's questions; they were just handed to me before I looked at them, and they were separate from the other questions.

The other questions were clearly directed to the witness and not to the committee.

The Chair now recognizes the Senator from Florida, Mr. Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

Good morning, Mr. Dean.

Mr. DEAN. Good morning, Senator.

Senator GURNEY. We have had a great deal of testimony, 245 pages of your statement as well as the testimony yesterday, and I must say it is hard to know where to begin in all this.

I will go over some of the ground that has already been covered, in an effort perhaps to clarify and amplify as far as I am concerned. I will ask probing questions, and I am sure you recognize why this is important.

There have been serious charges in the testimony leveled against many people, including the President of the United States. Some of these charges, uncorroborated. Certainly the duty of this committee is to seek out the truth, to gather all the evidence we can from every witness, and especially from you who probably will be the most important witness in these whole hearings.

As a matter of fact, I think the committee would be very derelict if it didn't get all the evidence it could.

I think probably the best place to start always is at the beginning.

Would you say that it is fair to say that Gordon Liddy's plan of bugging and electronic espionage really started out the whole Watergate affair?

Mr. DEAN. Would I say it started off the whole Watergate affair?

Senator GURNEY. Yes.

Mr. DEAN. Well, as I testified I think that the—there was an atmosphere that might have been several precursors source to that plan. The plan was an accident of fate where they culminated into Mr. Liddy's specific proposal that was presented in the Attorney General's office in the two meetings which occurred in late January and early February.

Senator GURNEY. But as far as the Watergate break-in itself is concerned, it really stemmed from Mr. Liddy's plan of bugging and electronic espionage, did it not?

Mr. DEAN. The specific plan to enter the Watergate would have begun with the plan that Mr. Liddy developed, yes.

Senator GURNEY. Now, who recommended Mr. Liddy to the Committee To Re-Elect the President?

Mr. DEAN. I passed on a recommendation that I had received from Mr. Krogh to Mr. Mitchell and he in turn endorsed that recommendation and sent him over to the Re-Election Committee.

Senator GURNEY. In other words, you recommended Mr. Liddy to the Committee To Re-Elect the President?

Mr. DEAN. That is correct.

Senator GURNEY. Did you interview Mr. Liddy after Krogh recommended him to you?

Mr. DEAN. Not to my recollection, no. I was present when he was interviewed by Mr. Mitchell and again when he was interviewed by Mr. Magruder.

Senator GURNEY. Did you ask any questions about his qualifications at that time or did Mr. Liddy just simply answer questions?

Mr. DEAN. I asked Mr. Krogh about his qualifications at that time when he first mentioned him to me. And they asked questions during those interviews, yes.

Senator GURNEY. Did you ever ask him what he had been doing for Mr. Krogh?

Mr. DEAN. No, I did not.

Senator GURNEY. Or Mr. Hunt?

Mr. DEAN. No, I did not.

Senator GURNEY. Would that not be important in finding out his qualifications, his previous employment?

Mr. DEAN. Well, I was told, for example, when I met him—when I talked to Mr. Krogh about him, I can recall Mr. Krogh very specifically telling me that he had written some of the best legal memorandums that he had run across in a long time. He explained that Gordon had taken some rather complex subjects and analyzed them in a very precise way. One of these memoranda had gone in to the President and the President had complimented Mr. Liddy through Mr. Krogh on the quality of the document that he had prepared.

Senator GURNEY. Was it understood that part of his duties would be in charge of security or things like that?

Mr. DEAN. That is correct.

Senator GURNEY. Well, did you ask any questions of him as to what he had been doing in the area of security?

Mr. DEAN. I was told that he had an FBI, Treasury Department, law enforcement background. There was not a great focus on that at that time. I knew Mr. Krogh had worked in the past before I came to the White House and partially after I was still at the White House with the demonstrator problem. Mr. Krogh was very knowledgeable in the area and when he told me that he thought Mr. Liddy had these qualifications, I thought that Mr. Krogh's judgment was good and in fact, it was partially Mr. Krogh's working with me from my position at the Department of Justice that resulted in my coming into the White House.

Senator GURNEY. You never did go into what he had been doing with Krogh and Hunt?

Mr. DEAN. No, I did not.

Senator GURNEY. The January 27 meeting occurred and as I recall, you testified that the original plan—and I do not know what the word was that you used to describe it, but—

Mr. DEAN. I think I called it a mission impossible plan.

Senator GURNEY. I think that is probably a good description.

Did you ever talk to Mr. Mitchell or Mr. Magruder after this horrendous plan, about whether Liddy really was competent to stay on and work for the Committee To Re-Elect the President?

Mr. DEAN. As I recall, the only conversation I had was a very brief conversation. Mr. Liddy was taking the charts off the easel and they were preparing to leave the office when I paused in front of Mr. Mitchell's desk and he told me that this was certainly out of the question. I do not think anyone knew that a plan of that dimension was going to be presented at that time.

Senator GURNEY. Well, did it worry you that this man came up with kidnaping, prostitution, mugging, and all the rest of it?

Mr. DEAN. Yes, sir, it did.

Senator GURNEY. But you never really discussed it with Mitchell and Magruder as to his capability, Liddy's capability of staying on at the job?

Mr. DEAN. Well, sir, you would have had to have been there to believe it and I might say that it was so far out that there was no hope in my mind that anyone was ever going to approve any plan like this. So I just assumed that it was going to die a natural death.

Senator GURNEY. Now we come to the second meeting that occurred on February 4. My recollection is that you came in a little later this day.

Mr. DEAN. That is correct.

Senator GURNEY. My recollection also is that you testified that you were again disturbed. Very disturbed at what he was proposing. Is that true?

Mr. DEAN. That is correct and I was injecting myself into the meeting in an effort to terminate the meeting, which I did.

Senator GURNEY. Well, did you have any discussion after the meeting with Mr. Mitchell and Mr. Magruder about his continuing?

Mr. DEAN. I had a direct discussion with Mr. Liddy at that time.

I might add, after the first meeting, I had told Mr. Liddy he should destroy the charts. After the second meeting, as we were leaving the office, I told him that I would not discuss this with him any further. I indicated to him that it still was not what was necessary, and it was a rather brief discussion. I must say I felt very sorry for Gordon Liddy during much of this because of the fact that he had received no guidance from anybody that I could tell—certainly none from me—as to what was expected of him. It is not my nature to be hard on somebody. Rather, I was trying to tell him that I felt this was not what was contemplated.

Senator GURNEY. My reaction was that you testified that you told him that he was never to discuss this thing again with you, is that correct?

Mr. DEAN. That is correct.

Senator GURNEY. You told him that if any plan was approved like this that you did not want to know about it.

Mr. DEAN. That is correct.

Senator GURNEY. At this particular time, Mr. Dean, were you not the counsel for the President? Was that not your job?

Mr. DEAN. That was my title and that was my job.

Senator GURNEY. You were not counsel for Mr. Mitchell and Mr. Magruder, were you?

Mr. DEAN. No, I was not.

Senator GURNEY. Why did you not go back to the President and tell him about this hair-raising scheme?

Mr. DEAN. Well, I did go back, but I did not have access to the President, as I think I explained. I went to Mr. Haldeman.

Senator GURNEY. Did you try to gain access to the President?

Mr. DEAN. Senator, I did not try. I had never been in to the President or called by the President before. My reporting channel was

through Mr. Haldeman and I went back and told what I thought was the proper reporting channel. I told him what I had seen, told him my reaction to it, told him that I thought it was unwise, unnecessary, and Mr. Haldeman agreed with me.

Senator GURNEY. Did you ever discuss after this meeting with Mr. Mitchell and Mr. Magruder, whether this plan was going to be implemented or whatever happened to it?

Mr. DEAN. I never heard about the plan again until, as I have testified, Mr. Liddy came into my office some time in February or March—I do not know the precise date—and told me that he could not get his plan approved. I reminded him that I was not going to talk with him about it, and he said that he understood and he did not talk about it. And we went on to whatever our business was that day on some other election matter.

Senator GURNEY. When was this?

Mr. DEAN. I believe it was February, some time in February or March. I am not sure of the date.

Senator GURNEY. Did you ever report that to the President?

Mr. DEAN. No, I didn't, sir.

Senator GURNEY. Let's go now to the break-in at Watergate. But before we do, let's go back and clear up some testimony of yesterday. I have never been entirely clear on this law firm incident. I came in in the middle of Senator Talmadge's questioning yesterday. Could you go over that? What exactly happened? You were representing a law firm in connection with some television application—is that it?

Mr. DEAN. No sir, I read into the record yesterday a letter I don't know if the Senator has had a chance to see the letter.

Senator GURNEY. I haven't had a chance to see it.

Mr. DEAN. I might read it to you.

Senator GURNEY. No, I don't think you need to read it if you just summarize quickly what happened.

Mr. DEAN. All right. I was in a communications law firm and doing very little communications work. I had some connection with summarizing findings of fact and things of that nature that were before the FCC, but I could not term myself a communications lawyer in any respect. I had been at the firm a very short while. I was not happy at the firm and was contemplating leaving the firm.

One of the men who was at the firm was not a lawyer but an in-house representative of the senior partners in the firm, who had television interests around the country as a result of their processing applications. This man came to me and began to discuss, he said, John, you are leaving, are you interested in investing any money in a television station?

I said, yes, I might be, let's explore it.

We had some preliminary discussions about it with the lawyers who he had selected to represent his application, a man by the name of Earl Stanley, who is a senior member of the communications bar, and I think a very well respected member of the bar. At that time, I raised with him, was there any conflict for me to become involved in that while I was still at the firm. He indicated to me so long as I was out of the firm by the time the application was actually filed, which would have taken mechanically months to prepare and Mr. Stanley and Mr. Fellows, the man I was referring to in the firm, were going to



prepare the application. I had some—I had accumulated some papers on the matter in my desk and apparently, one night, one of the partners was looking for some other unrelated matters and came across this.

Senator GURNEY. Were these papers in connection with your venture?

Mr. DEAN. Yes, they were.

Senator GURNEY. Not the law firm—

Mr. DEAN. No.

There were standard forms that were used on virtually every application for filling out various forms of the application and I was preparing my own, my rights, and Mr. Fellows and some of these aspects of it. I also had some papers on—there is an outfit that does incorporations—FCP, I believe is the name of it—where you just pay the fee and they do all the incorporating work. It is nothing you do yourself. I think there were some papers related to that in there. When these were discovered, I was called into the office the next morning when I came in. I remember there was a very serious snowstorm that night and I was late coming in. When I came in, I was asked to come into one of the senior partners' office.

He asked me to explain what I was doing. I had learned, I had seen that my desk had been rifled the night before and I was quite annoyed by it, so I decided I would say nothing. I said, I have nothing to say about this.

There then ensued—he said, well, if you are not going to tell me anything about this, you are fired.

I said, I am not fired, because I have already resigned.

He said, you can't resign, because I have already fired you. So that was the session.

Later, one of the other associates said, John, you had better go back and talk this over with him. I did. I thought the matter was resolved. The next I heard about it was when the civil service did an examination and there was a comment in that examination that I had been dismissed for unethical conduct.

At that time, I asked one of the lawyers that had been at the law firm if he would look into it, because I said I am prepared to take this to the Ethics Committee, if necessary.

He looked into it, the person who had made the comment that it was an unethical charge retracted the comment, and the matter was left at that.

Senator GURNEY. When did the matter occur in the civil service files? Was that in connection with your employment at the House Judiciary Committee?

Mr. DEAN. No, it was after I left the House Judiciary Committee. As the Senator knows, the House does not run civil service examinations on staff.

Senator GURNEY. Was it in connection with your employment at the Justice Department?

Mr. DEAN. No, sir; it was not. While I was with the House Judiciary Committee, I developed legislation that created the National Commission on Reform of Criminal Laws.

Senator GURNEY. I am talking now about the civil service information.

Mr. DEAN. I am explaining, Senator.

I was asked to go on the staff as the Associate Director of that Commission. It was at that time, when I was joining that staff, that this matter arose.

Senator GURNEY. And regardless of the ethics involved, and I do understand your contention and the letter you read was that it was not an ethical matter.

Mr. DEAN. It was not unethical to me; no, sir.

Senator GURNEY. But as far as your termination of employment with the law firm, I do understand that you were discharged; is that right?

Mr. DEAN. I would say it was a rather heated discharge as a matter of my unwillingness to discuss the matter with the person who was a senior partner in the organization.

Senator GURNEY. Now, to get back to the break-in at the Watergate, as I recall your testimony, there really wasn't anything in Watergate or much of anything in the activities surrounding the Committee To Re-Elect the President from that February 4 meeting until the Watergate break-in. And I understand you got back from the Philippine Islands on the 18th and then returned here to Washington and went in your office on the 18th.

Is that correct?

Mr. DEAN. That is correct, Senator.

Senator GURNEY. Then, as I recall, you said that you had received phone calls that day and talked to a number of people—Caulfield, Magruder, Ehrlichman, Strachan, Colson, Sloan, and you later called Liddy and Kleindienst.

Why all these calls if you weren't that closely associated with what they were doing over there in the political field?

Mr. DEAN. Well, Senator, I would say that my office was one that, one, I did have some dealings with the reelection committee, I did know all the parties involved. My office normally was asked to investigate or look into any problem that came up of that nature. When any wrongdoing was charged—an administration office, for example, when the grain deal came up—and I think as the Senator will recall, during the ITT matter, my office had some peripheral involvement in that. And I believe we had some dealings with your office on that matter.

Senator GURNEY. Not my office. I think we met in Senator Hruska's office, the Republican members of the committee; isn't that correct, with you?

Mr. DEAN. Well, Senator, I recall one time that Mr. Fielding and I came up to your office on the matter and Mr. Fielding provided some material for your staff. It was that type of thing that would come to my office for assistance and aid.

Senator GURNEY. What does that have to do with the Watergate?

Mr. DEAN. Well, I was explaining the type of thing that would come to my office and my office was a firefighting office and would get into various—

Senator GURNEY. Did you do other firefighting before June 18?

Mr. DEAN. Yes, sir.

Senator GURNEY. At the committee to reelect?

Mr. DEAN. Not to my knowledge, no. That was the only fire I recall over there, and it was the biggest one.

Senator GURNEY. Now, then, you mentioned in your testimony yesterday in response to Mr. Dash that you inherited the coverup.

Would you tell how you inherited the coverup?

Mr. DEAN. I didn't hear the Senator. Inherited?

Senator GURNEY. You said yesterday in response to questioning from Mr. Dash, you said that you inherited the coverup of Watergate.

Mr. DEAN. I had heard or inherited?

Senator GURNEY. I understand inherited.

Mr. DEAN. That is correct.

When I came back to the office on the 18th and talked to Mr. Strachan, I realized that the coverup was already in effect, in being, and I realized that when Mr. Strachan told me of the documents that he had destroyed and Mr. Haldeman's instruction, that there certainly wasn't going to be a revelation of the White House involvement in the matter. I didn't at that point in time know the potentials of the White House involvement.

Senator GURNEY. Was not one of the first meetings of the coverup held in John Mitchell's apartment on the 19th of June?

Mr. DEAN. Senator, I would say that the day of, to my knowledge, the day of the 19th at the White House was a very busy day. That the calls I received from Mr. Ehrlichman, from Mr. Colson, the meetings I had with Mr. Ehrlichman and then again later with Mr. Colson about the safe were long before I went to the meeting at Mr. Mitchell's apartment, which I do not recall was on the 19th or 20th. I do recall a meeting in Mr. Mitchell's office, but I do not recall specifically which day it was. I recall arriving late at the meeting, and I cannot recall with any specificity any of the discussions at the meeting.

Senator GURNEY. Well, what you are saying is then that these several phone calls you had with all of these people really had to do with at least the beginnings of the coverup, is that right?

Mr. DEAN. That is correct.

Senator GURNEY. Well, you were in on it from the beginning, were you not?

Mr. DEAN. Yes, sir.

Senator GURNEY. You really did not inherit anything. You were in on the sort of hatching of it, were you not?

Mr. DEAN. Senator, I might explain that what often happened in my relationship with my superiors at the White House, and I think I alluded to this yesterday, is that others would set the policy, for example, with the *Calley* case or the Lithuanian defector, how to deal with it, what was to be done.

Senator GURNEY. Who set the policy on the coverup?

Mr. DEAN. I would say the policy was just—I do not think it was a policy set. There was just no alternative at that point in time.

Senator GURNEY. It sort of grew like Topsy, and you were a part of it, is that not right?

Mr. DEAN. That is correct.

Senator GURNEY. Now, since this thing started out with such a flurry and a spate of phone calls and meetings between everybody, did you advise the President of what was going on?

Mr. DEAN. Senator, the first time I ever talked to the President was on September 15. There was one occasion that I recall before September 15, which was in late August, to the best of my recollection, and that certainly was not an occasion to talk to the President about anything because his former law partners were in the office, Mrs. Nixon was in the office, there were several notaries or one notary there, some

other members of the staff and it had to do with the signing of the President's testamentary papers and it was—just was not a very appropriate occasion to even give a whisper to the President that I would like to talk to him. So I must say that any time between June 19 and September 15 I had no conversations with the President, and nor did I approach the President at any time other than through reporting to Mr. Haldeman and Mr. Ehrlichman about what I was doing.

Senator GURNEY. Well, of course, you must have realized that this coverup business, at least after it had gone on for a little while, was pretty serious, did you not?

Mr. DEAN. I did not like it from the outset. I do not think anybody liked it.

Senator GURNEY. Do you not think as the President's attorney, you should have tried to go to him and warn him about what was being done?

Mr. DEAN. I probably should have but I was assuming everything I reported to Mr. Haldeman and Ehrlichman was also being reported to the President.

Senator GURNEY. Let us go and discuss for a moment the FBI reports of the investigation. Did you first go to Mr. Kleindienst for these reports? Now, I am talking about the 302 form, you know, FBI interviews with witnesses.

Mr. DEAN. Right. I do not recall whether it was Mr. Kleindienst or Mr. Petersen that I first discussed this with. I was being asked to get the reports, I had talked with—

Senator GURNEY. Who asked you to get the reports?

Mr. DEAN. Initially, the request came from Mr. Mitchell, and I believe that was as a result of Mr. Mardian's desire to see the reports. Mr. Ehrlichman and Mr. Haldeman thought it was a good idea that I see the reports, and I had—at what point in time I actually raised this with either Petersen or Kleindienst, my recollection is I did talk to Mr. Petersen about it at some time and he suggested I go directly to Mr. Gray, and I cannot really with specificity tell you at what point in time I went to Gray, but I do recall discussing it with Mr. Gray.

Senator GURNEY. Let us get back to Mr. Kleindienst though, because this is extremely important, I think. The Attorney General is head of the Justice Department and, of course, the FBI is under the Justice Department. Are you sure you cannot recall whether you ever talked to him about getting these 302 forms?

Mr. DEAN. It is very possible, as I said, Senator, it is very possible I did. I have—

Senator GURNEY. Well, you have recalled in minute detail in 245 pages of the testimony of almost everything.

Mr. DEAN. I understand that. I have tried to the best of my recollection to recall everything. I do not recall specifically whether I talked to Mr. Kleindienst about this subject. The major item—

Senator GURNEY. Well, do you recall if you talked to Mr. Petersen?

Mr. DEAN. Yes, I just stated I did recall I did talk to Mr. Petersen.

Senator GURNEY. What did you recall of that conversation?

Mr. DEAN. I recall he suggested that I go directly to Mr. Gray.

Senator GURNEY. Did either Mr. Petersen or Mr. Kleindienst or anybody, according to your recollection, tell you that you could not get these FBI reports, that the President himself would have to get

them and Mr. Kleindienst or Mr. Petersen would have to give them to the President?

Mr. DEAN. I do not necessarily recall that it was stated as you have stated it. I was told that the best way to deal with this situation is go directly to Mr. Gray. Mr. Gray initially said to me, "Why do you not read them in my office?" I said that would be a rather cumbersome arrangement.

Senator GURNEY. Then, you have no recollection that the Attorney General or Mr. Petersen told you that you could not have them unless you got them through the President?

Mr. DEAN. Well——

Senator GURNEY. Is that correct?

Mr. DEAN. I have read this in the paper, Senator, that this was——

Senator GURNEY. Well, so have I, and that is why I am asking you.

Mr. DEAN. I do not recall it, frankly.

Senator GURNEY. Well, then let's go to Mr. Gray and your conversations with him about the 302 forms. What were they? What were the conversations?

Mr. DEAN. The conversation with Mr. Gray, well, I think as we initially discussed it, Mr. Gray told me that he thought that I could read them in his office, I told him I thought that was awkward, and when we discussed it, he wanted some assurance that this information was being reported to the President. As I recall, I gave him such an assurance that it was being reported to the President.

Senator GURNEY. Can you recall that conversation more specifically because Mr. Gray testified at quite some length before the Judiciary Committee on this in response to many questions. What is your recollection of it?

Mr. DEAN. Well, Senator, I have, in preparing all my testimony, I have done this, I have not sought to go through in detail all of the press accounts, I have not sought to go through in detail all of the Gray hearings, for example. I have not sought to sit and watch these hearings.

Senator GURNEY. I understand that, and all I want is your impression.

Mr. DEAN. Yes. My impression——

Senator GURNEY. That is all.

Mr. DEAN [continuing]. Is what I am giving, and the receipt or non-receipt of the FBI interviews was not a very big thing for me, and that is why it doesn't strike very clearly in my mind.

Senator GURNEY. Well, it was a pretty big thing for Mr. Gray.

Mr. DEAN. I appreciate that.

Senator GURNEY. Pretty nearly shot him out of the saddle as far as being the head of the FBI is concerned.

Mr. DEAN. Well, I appreciate that, Senator, and to the best of my recollection, Mr. Gray said to me that, after I gave him assurance it was going to be reported, that he would work something out. Now, I don't recall when I first received the initial reports. I only recall that it was after a summary report was prepared on the 21st of July, as I recall the date, and I showed that report to the people at the White House and the people at the reelection committee, that the pressure began that I let others read the raw FBI reports.

Senator GURNEY. Let me get back again now to the conversation with Mr. Gray. Wasn't he pretty specific with you that the only reason he would turn these things over to you is because the President of the United States requested them through you?

Mr. DEAN. Well, Senator, in my dealings with Mr. Gray, from the very outset he was very anxious to be of any assistance he could. For example, when I first met with him and he told me he was traveling—

Senator GURNEY. Could we get to my question now.

Mr. DEAN. Certainly, I just want to explain the circumstance of a conversation so you can understand it in full and can fully appreciate it.

When he told me, for example, he was traveling around the country a lot and I should deal with Mark Felt, that to me evidenced that Mr. Gray wanted to be of assistance; if he wasn't there, I should talk to others. The same tenor was in the conversation that he would have to check, and he wanted assurances these were going to the President, this information would go to the President. I am sure he knew very well that the President didn't want to sit down and read a stack of raw FBI materials.

Senator GURNEY. Then it is your understanding that it was Mr. Gray's understanding that the reason why you were there getting those 302 forms is because the President had requested you to; is that correct?

Mr. DEAN. I don't believe that is necessarily my understanding that he, as I recall wanted to know, you know was this information going back to the President, and I assured him it was.

Senator GURNEY. Well, did it? Did you ever report to the President what was in those 302 forms?

Mr. DEAN. There was never anything in those FBI reports that I read, worth reporting even to Mr. Haldeman or Mr. Ehrlichman.

Senator GURNEY. Did you ever show a single one of the 82, 302 files to the President?

Mr. DEAN. No, not to my recollection; no, sir.

Senator GURNEY. Did you ever report a single information that was in those files to the President?

Mr. DEAN. Not to my recollection, no. I may have reported the general tenor of the investigation which was, I might say, very vigorous.

Senator GURNEY. You reported that to the President?

Mr. DEAN. No, I would report that to Mr. Haldeman and Mr. Ehrlichman and as my channel of reporting.

Senator GURNEY. Did you ever get a call from Mr. Gray about this newspaper story about one of the reports being shown to Mr. Segretti?

Mr. DEAN. Yes, I did.

Senator GURNEY. Would you report that to the committee?

Mr. DEAN. Well, I recall that when that story broke, Mr. Gray called me and asked me if that were true, and I said absolutely not, that the FBI reports have never left my office and I have never showed an FBI report to Mr. Segretti which, in fact, is true. I never showed an FBI report to Mr. Segretti.

Senator GURNEY. Well, did you gather from this conversation that Mr. Gray was pretty disturbed about the fact that the report might be shown not only to Segretti but anybody else?

Mr. DEAN. I didn't have the impression that he was upset by it. I don't know how often Mr. Gray and I talked but we talked frequently. We had worked together at the Department of Justice, and while it was reported that he called me with some outrage, Mr. Gray and I generally didn't have that type of conversation. He said something to the effect that "It that true, you know, I can't believe you would do that," and I said "No, it is not true and I never showed Segretti any FBI reports."

Senator GURNEY. Of course you worked at the Department of Justice for sometime, and I suppose you have some familiarity with the procedures down there. Isn't it a most unusual thing for a 302 report to be let out of the FBI office to anyone?

Mr. DEAN. Well, I know this: that the White House receives on a regular basis and my office was the recipient on a regular basis, of countless FBI information. Now this deals with everything from background investigation.

Senator GURNEY. I am talking about the 302 forms that are filed with raw data.

Mr. DEAN. Yes.

Senator GURNEY. Not reports.

Mr. DEAN. I don't recall ever receiving 302's at the White House other than on this incident. I really was never terribly aware of what the policy was. I didn't work with the criminal cases in the Department of Justice while I was there so I don't know if there were other occasions when 302's were sent anywhere or not. I can't answer the question.

Senator GURNEY. But I understood you to say your understanding with Gray on these 302 files would be that you would guard them very closely.

Mr. DEAN. That is correct.

Senator GURNEY. Who did you show them to?

Mr. DEAN. Well, as I testified, after the report on the 21st came to my office, Mr. Mardian was anxious to see them, Mr. Mitchell thought that was a good idea and also that Mr. O'Brien and Mr. Parkinson also came to see them. They came to my office. I recall them scanning them. They decided there really wasn't much in there that interested them. The thing that sticks in my mind most is that Mardian was, who was apparently very familiar with 302 and FBI investigations from being the head of the Internal Security Division said that, you know, "Gray is just going hog wild here," because of the tone and the tenor of the interoffice from one field office or from headquarters to field offices, that the tone of the cables that were being sent out of headquarters.

Senator GURNEY. Mardian, O'Brien, Parkinson weren't even in the White House then?

Mr. DEAN. That is correct.

Senator GURNEY. Who were they working for?

Mr. DEAN. The reelection committee.

Senator GURNEY. Do you think Mr. Gray had any idea that people like that outside of the White House were looking at these files?

Mr. DEAN. I am sure he had none because I didn't tell him.

Senator GURNEY. Did anybody else look at the files?

Mr. DEAN. The only other occasion I recall anybody else looking at the files is when Mr. Dick Moore who was Special Counsel to the President was instructed by Mr. Ehrlichman to prepare himself to deal with the leaking stories on the Segretti related matters and at that time Mr. Moore was given those documents to look at, and worked with those documents as they related to Segretti, Kalmbach, and Chapin, and Mr. Strachan.

Senator GURNEY. Didn't Mr. Chapin and Mr. Strachan look at them, too?

Mr. DEAN. No, sir, they did not. I never showed them to any witness. In fact I was requested, and I told the people who had been interviewed that I didn't think it was something I could show them, and I would generally just talk in general about it. I do recall when they were reinterviewed by the FBI the FBI themselves showed them their original 302's.

Senator GURNEY. Don't you think it was a serious breach of faith to show these 302 files to other people, a breach of faith to Mr. Gray?

Mr. DEAN. Yes. I think it can be interpreted that way.

Senator GURNEY. Let's go to the matter of the Hunt material that was turned over to Mr. Gray.

Now, as I understand it some material was turned over to the FBI but certain materials were held out; is that correct?

Mr. DEAN. That is correct.

Senator GURNEY. What were they?

Mr. DEAN. Well, I tried in my statement to catalog what I can recall that I saw amongst those documents. This was a combined effort to extract this material by Mr. Fielding and myself. Sometimes when Mr. Fielding was going through it he would make reference to something and at one point in time I decided we ought to extract all of these documents and put them in one place, and Mr. Fielding did that for me and put them in envelopes and they were subsequently stored in my safe until the time they were turned over to Mr. Gray.

So, I cannot—

Senator GURNEY. I thought you testified that you carried some of these around in the trunk of your car?

Mr. DEAN. No, sir, that was not, those were not documents. That was the briefcase that was found in Mr. Hunt's safe. That was a rather large, oh, like so.

Senator GURNEY. Wasn't that the material that was turned over to Gray?

Mr. DEAN. No, sir, it was not.

Senator GURNEY. What was turned over to Gray?

Mr. DEAN. Two envelopes containing sensitive political documents.

Senator GURNEY. And what—that was turned over at a meeting in Mr. Ehrlichman's office, is that right?

Mr. DEAN. That is correct.

Senator GURNEY. And you were present and Mr. Gray was present.

Mr. DEAN. That is correct. You will recall I had been instructed to "deep-six" and shred documents. I had to come up in my own mind with a persuasive argument for Mr. Ehrlichman as to why not to "deep-six" and destroy documents. I decided the best way to persuade him was to tell him that there was a chance that the men who had drilled the safe had seen it, that the Secret Service agent who was present at the time



of the drilling had seen it that Mr. Fielding and Mr. Kehrli had been there and had seen it and, of course, Mr. Fielding had gone through all of the documents and for all those people to be quizzed by the FBI would result in an awful lot of lying.

Senator GURNEY. Was it your suggestion to turn these papers over to Mr. Gray?

Mr. DEAN. Yes, it was because I told Mr.——

Senator GURNEY. Why did you suggest this?

Mr. DEAN. I told Mr. Ehrlichman that if I were ever asked I wanted to be able to testify that I turned everything over to the FBI and subsequently when that came up and they were getting more specific with that I told——

Senator GURNEY. What was the conversation in the office at the time the documents were turned over to Mr. Gray?

Mr. DEAN. Well, it was a very brief conversation and, as I say, my encounter during that was very short. I had preceded Mr. Gray, as I recall the sequence, to Mr. Ehrlichman's office. Mr. Ehrlichman informed me he was going to meet with him and said, "Bring the documents over."

I brought the documents over and laid them on a coffee table in Mr. Ehrlichman's office.

Senator GURNEY. Didn't you and Ehrlichman agree to set up the meeting?

Mr. DEAN. I have the impression Mr. Ehrlichman was going to meet with Mr. Gray on something else. That it was not specifically on this subject.

Senator GURNEY. I thought you said you suggested to Mr. Ehrlichman that you have a meeting with Gray to turn the documents over to him.

Mr. DEAN. I suggested we turn them directly over to Mr. Gray, and Mr. Ehrlichman, and after I turned the rest of the material over and I was still holding this I thought we ought to get the remainder over, called—that happened on a Thursday or Friday, over the weekend. I said—there is a delay here—and called Ehrlichman on Monday and he said, "I am meeting with Mr. Gray this evening, why don't you bring the documents over then," something of that nature.

Senator GURNEY. Now then, what transpired when they were turned over?

Mr. DEAN. As I said, I took the documents and had a very brief discussion with Ehrlichman. I laid them on the coffee table in Ehrlichman's office. Mr. Gray was called up from the reception area, came in and Mr. Ehrlichman made the initial—initially raised the matter, and said something to the effect that these are materials from Mr. Hunt's safe, I believe Dean has turned over other material to the Bureau directly.

Senator GURNEY. Did you have any discussion with Mr. Ehrlichman when you brought the documents in and laid them on the coffee table?

Mr. DEAN. I am sure there was.

Senator GURNEY. What was——

Mr. DEAN. About this was the way I could very easily handle the situation if I was ever asked, if Mr. Gray had been useful and seen them.

Senator GURNEY. Did you discuss with Mr. Ehrlichman what you might be going to tell Mr. Gray?

Mr. DEAN. I was going to tell him that I did not think these related to the Watergate incident, which I did not.

Senator GURNEY. No, I am talking about the papers. The purpose of the meeting was to turn some very sensitive documents over to Mr. Gray.

Mr. DEAN. Yes.

Senator GURNEY. So you could get rid of them and Mr. Ehrlichman could get rid of them.

Now, prior to his coming into the office, I understand that you went in and took the papers in and laid them down. My question is, did you have any discussion with Mr. Ehrlichman at that time to what you were going to tell Mr. Gray when you turned the papers over—or when he turned them over?

Mr. DEAN. It was pretty well understood what the meeting was for, so it was not necessary to have any extended discussion other than the fact that the documents were very politically sensitive, that as I recall, I called them political dynamite when I raised them with Gray, that he should take custody of them, and that that would be the way to handle it as far as the White House was concerned. I do not recall any discussion of telling Mr. Gray to destroy the documents.

Senator GURNEY. You and Mr. Ehrlichman must have had, certainly, some feeling that Mr. Gray was not going to take this back to the FBI and put it in the files somewhere.

Mr. DEAN. Well, he was told that they should never be leaked or be made public, something to that effect, yes.

Senator GURNEY. Well, did you discuss something to that effect before he came in the office?

Mr. DEAN. Well, Senator, if we did, I have certainly no recollection of it at this time. As I recall the transaction, it was brief, I came over immediately preceding the meeting, Gray was called up, there was this brief conversation. Gray was virtually en route up. He came in. This was explained to him. He at that point in time, as I recall, placed the documents in a small sort of briefcase—not really a briefcase, but one of these thin legal briefcases that he placed the documents in, and seemed quite willing to take them. He did not have a lot of hesitancy and he seemed to understand that indeed, this was an appropriate procedure, although an unusual one.

Senator GURNEY. And what was precisely the thing that was said to Mr. Gray about the documents?

Mr. DEAN. Was said to him? Well, I can recall that Ehrlichman told him that they were from Mr. Hunt's safe and that they were very politically sensitive. I then explained to him that we had turned the rest of the material over to the agents. However, these were political dynamite and if they ever leaked, it would just be a very serious problem for the President during the reelection year.

Senator GURNEY. Was there not something about the light of day in that conversation?

Mr. DEAN. That is possible. I do not recall it now, what particular language I used. I think I conveyed to the committee the—if I used that particular term at that time, that does not necessarily strike me as one of my normal phrases.

Senator GURNEY. Well, to the best of your recollection, what did you say to Mr. Gray?

Mr. DEAN. As I say, to the best of my recollection, I cannot recall the precise words, but other than the fact that the material had come from Hunt's safe, to the best of my knowledge, it did not relate to the Watergate; if it leaked, that these documents were political dynamite, that if they leaked or became public, it would cause great embarrassment and great problems.

Senator GURNEY. Did you ever call Mr. Gray about these documents after that meeting?

Mr. DEAN. I cannot recall calling him. I recall, as I testified, I believe yesterday, I had discussed this with counsel, that I had a conversation at some time with Mr. Gray in his office, in which he told me that he had taken the documents to Connecticut. He said he was either going to read them or had read them. I just cannot recall which it was that he said, because it was a passing conversation.

Senator GURNEY. You do not recall two conversations with Mr. Gray, either meeting with him in his office or he in your office or over the phone, asking him what he had done with the documents?

Mr. DEAN. The first time—well, as I say, this one occasion, as I recall, was in his office when he indicated to me that he had taken them to Connecticut.

Senator GURNEY. That was the result of your question asking him what he had done with them; is that right?

Mr. DEAN. No; as I recall, he volunteered that, that he had taken them to Connecticut.

Senator GURNEY. Well, what were you discussing at that meeting with him? What was the purpose of the meeting?

Mr. DEAN. I do not recall. It could have been on the leak problems that we were having.

Senator GURNEY. But you do recall in the meeting that he said, I have taken the documents to Connecticut?

Mr. DEAN. If you gave me a specific date on what meeting you might be referring to—

Senator GURNEY. I do not really know myself. I am trying to find out.

Mr. DEAN. As I say, five dates, I can generally put them in the sequence of what I was doing at a given time or what a given concern was. I do recall a meeting in Gray's office that this came up, he told me that he had taken them to Connecticut, I am not clear whether he said he had read them or was going to read them or anything of this nature.

Senator GURNEY. Did you ever ask him again on any occasion what he had done with the documents?

Mr. DEAN. Yes, I did. After I had disclosed this matter to Mr. Petersen, I recall that I was at luncheon at the Justice Department. This was probably in early January. At that time, Mr. Gray came up to me and sort of took me by the arm and said, John, you have got to hang tight on not disclosing these documents. And I said nothing to him.

I said, I understand, and that was—but at the time, I had been questioned by the prosecutors. I felt I had to tell Mr. Petersen because if I was going to go forward, that very fact was going to come out.

Senator GURNEY. But you never asked him on any other occasion what he did with the documents; is that right?

Mr. DEAN. Not to my recollection; no. In fact, I was quite surprised at that same time that he had destroyed the documents.

Senator GURNEY. Why did that surprise you?

Mr. DEAN. Well, I thought it was totally unnecessary, a rather unwise move.

Senator GURNEY. I thought that was the whole subject of the conversation in Ehrlichman's office when you turned over the documents to him?

Mr. DEAN. To the contrary. He was told that they should just never be leaked or made public. That to me, is far different from telling a man to destroy documents. There are a host of things, I am sure, in everybody's files that, if they were leaked, you know, if you told a staff man not to leak this, that is one thing. If you told him to destroy it, that is quite another situation.

Senator GURNEY. Hoping that they might never see the light of day again might be interpreted as wanting them to be destroyed, might it not have?

Mr. DEAN. Not necessarily. I am sure there are a lot of things in the Bureau that probably should never see the light of day, but to destroy them is something else. I see a great distinction, Senator, in the two.

Senator GURNEY. Let us go to the August press conference, where the President referred to the Dean report. My understanding is that you indicated great surprise at this so-called Dean report, because, as I understand it, you felt that you had not been conducting an investigation of Watergate; is that right?

Mr. DEAN. That is correct. When I say great surprise, any time the President of the United States mentions your name, it is a great surprise.

I will give you another example. When the President, shortly after the Supreme Court handed down the death penalty decision, I had a call from Mr. Buchanan, who was preparing the President. The President went on television and said, I have just talked to my counsel about this decision and here is his opinion on it.

Now, I was obviously quite surprised to hear my name on television when I had given advice to the President interpreting this decision, when, in fact I had never talked to him about it. That is a great surprise to me when that sort of thing happens.

Senator GURNEY. If we can get back to the investigation of Watergate, though, that is what I am trying to find out about here. What were you doing all this time when you had 82 of these form 302's, you were sitting in with witnesses from the White House in their FBI interviews, you had many calls to people about it, you talked to Mr. Gray about it several times, you, as I understand it, were reporting to Haldeman and Ehrlichman? You do not call it an investigation. What do you term it?

Mr. DEAN. Well, I call it participation in a coverup. I was getting my orders from my superiors and doing what I thought was expected of me at that time and following those orders out.

Senator GURNEY. Well, do you not think that it might have been interpreted by some people as a rather thorough investigation on your part?

Mr. DEAN. I doubt if they could consider it thorough. If I were going to conduct an investigation, I would use anything from a polygraph to a—every investigative means I could conceive of. I was not investigating Mr. Haldeman, certainly. I never pressed Mr. Strachan on his involvement. I certainly was not investigating the White House. The only person I was not—

Senator GURNEY. There is no reason why you should be investigating Mr. Haldeman or Mr. Ehrlichman, because they were included in the coverup with you, were they not?

Mr. DEAN. That is what I am saying, there was no investigation. You asked me why I am surprised about the investigation. There was no investigation.

Senator GURNEY. My question was, don't you think that somebody else might have thought that you were investigating from the activity that I have just described to you?

Mr. DEAN. I do not know who would conceive of that.

Senator GURNEY. Well, I can tell you that all of the members of the Judiciary Committee, during the Gray hearings, were under the impression that you were conducting a rather large investigation of the White House.

Mr. DEAN. Well, let me just use the same analogy. I am sure a lot of people thought when the President recited what the substance of the death penalty was that I had probably just talked to him and given him the substance.

Senator GURNEY. Do you not think that the President might have concluded that you were conducting an investigation, particularly if Mr. Haldeman or Mr. Ehrlichman, one or the other, were reporting to him what was going on, as you have testified to many times in this—

Mr. DEAN. I have also testified I have no idea how this ended up in the briefing book. I had no conversations with the President during this period of time. I have no idea what the President thought was happening. I have testified to the fact that Mr. Haldeman frequently made notes when I was reporting to him. I had meetings in some of the most unusual places that I cannot recall the substance of the meetings, but I would be called to California. I would meet up at the Newporter with Mr. Haldeman and Mr. Ehrlichman, off on the patio. They would want to know what was happening.

I recall one time when Air Force One landed, they called me to come out to Andrews and I met in the—the President had already departed. I met in the cabin of Air Force One, the President's cabin. They asked me for a report at that time. As soon as the press plane came in, they said, we have got to get out of here, we cannot all be seen together.

Senator GURNEY. Let me ask you this in connection with this so-called investigation by Mr. Dean of Watergate. You indicated great surprise and as I gather, rather consternation about the fact that you were said by the President to have conducted an investigation. Is that not right?

Mr. DEAN. I said great surprise. I do not believe I would reveal to others at that time the fact that I was distressed about it.

Senator GURNEY. Did you ever protest to Mr. Haldeman that you did not appreciate the way the President was bandying your name around in this investigation?

Mr. DEAN. No, sir, I did not.

Senator GURNEY. Did you ever protest to Mr. Ehrlichman?

Mr. DEAN. No, sir; I did not.

Senator GURNEY. Did you ever protest to the President?

Mr. DEAN. No, sir; but others, I did.

Senator GURNEY. Whom did you protest to?

Mr. DEAN. I talked to Mr. Mitchell about it, I talked to Mr. Moore about it, I talked to my associate, Mr. Fielding. I said, this bothers me, that I am being put out on front on this. I think if I would have protested to Haldeman and Ehrlichman, it would have been to no avail.

Senator GURNEY. Let's turn to the CIA involvement with Watergate. I understand that you suggested the possibility to Haldeman? Is that correct?

Mr. DEAN. No, sir; I think that what happened, from what I understand, is that the first time I talked to them about the CIA, they had already met with the CIA. They told me, or Mr. Ehrlichman told me, really none of the specifics of his meetings with the CIA the preceding day other than the fact that he and Mr. Haldeman had met with the CIA, met with Director Helms and General Walters. I told him that it had come up in a meeting with Mr. Mitchell that we should explore the possibility of the CIA providing some assistance.

Senator GURNEY. Well, I guess I worded my question poorly. Mitchell brought it up to you and then you brought it up to Haldeman and Ehrlichman, is that right?

Mr. DEAN. That is correct, yes.

Senator GURNEY. You knew perfectly well that the CIA had absolutely nothing to do with Watergate, didn't you?

Mr. DEAN. Well, sir, I knew this. The only thing I did know and this is one of the questions that I asked General Walters, were any of these men operatives that could in any way embarrass the CIA? This had come up—I don't understand that whole world and how it exists even today. But apparently, there is some arrangement where the operative is taken care of if some day he does get in trouble. This was discussed in this conversation, that some of these people might well be operatives that he would be taken care of and the CIA might have a legitimate interest in protecting them.

Senator GURNEY. You mean you thought at this time that those seven people who were caught in the Watergate were not in the employ of the Committee To Re-Elect the President?

Mr. DEAN. Oh, it was quite clear.

Senator GURNEY. Or that they might have been working for the FBI?

Mr. DEAN. No, sir; I am talking about in years past.

Senator GURNEY. All I said was that you knew that the CIA had nothing to do with Watergate. That was my question.

Mr. DEAN. Yes, sir; I was well aware of that.

Senator GURNEY. Then why did you try to involve the CIA in this?

Mr. DEAN. What I was beginning to explain is what had come up was there was a suggestion that these men could have been past operatives. There is a lot more known about these men today than was known at that time.

This was looked at as a potential way to deal with the situation that they were going to meet. They were asking for support—

Senator GURNEY. This was a good coverup.

Mr. DEAN. Absolutely.

Senator GURNEY. That is all I am trying to find out, that you tried to involve the CIA——

Mr. DEAN. I am trying to explain.

Senator GURNEY [continuing]. Knowing that they had nothing to do with it, in order to try to cover up.

Mr. DEAN. Well, I knew that, after he had made it clear to the best of his knowledge that they did not have a problem, it was sort of a hope that this would be a solution. It was not a solution. I continued to pursue it with them, asking if in fact, there was anything they could do.

Senator GURNEY. All of this is really in preparation for my next question. Did you ever advise the President of the United States that somebody was trying to involve the CIA in this coverup proposition?

Mr. DEAN. No, sir; Mr. Ehrlichman was quite aware I was meeting, because he had instructed me to meet. That was my reporting channel.

Senator GURNEY. Now let's turn to Mr. Kalmbach if we can and the beginning of the silence operation, the paying off of the people in Watergate. Could you tell us briefly how this came up? I know we have discussed it before, but could you summarize exactly what went on?

Mr. DEAN. As I have explained, I would carry a message, for example, when Mr. Haldeman and Mr. Ehrlichman agreed that to involve the CIA would be a very bad idea. I took this information back to the reelection committee. They then said, well, we have to do something. As I have testified, the discussion was, well, we need Herb Kalmbach.

Well, they knew that there was nothing they could say that could get Mr. Kalmbach going. They knew there was nothing I could say that would get Mr. Kalmbach going. So I was asked to go back to Mr. Haldeman and Mr. Ehrlichman to see if they would agree to this procedure, which they did. Then I conveyed the message to Mr. Kalmbach.

Senator GURNEY. Now what happened?

Mr. DEAN. Mr. Kalmbach flew back East and I told Mr. Kalmbach why he had come back East.

Senator GURNEY. What day was this?

Mr. DEAN. I believe it was on the 29th.

Senator GURNEY. Where did you meet?

Mr. DEAN. We met in the Mayflower Hotel, in the coffee shop initially, but the coffee shop is too busy and we could find no privacy, so we went to his room.

Senator GURNEY. What did you discuss?

Mr. DEAN. I told him—I was very open with Mr. Kalmbach about the situation. I knew he didn't want to get involved, but I told him what I knew. I told him that I had learned that files had been destroyed that were apparently quite incriminating for Mr. Haldeman.

Senator GURNEY. Now, now, let's proceed carefully here.

Mr. DEAN. Yes, sir.

Senator GURNEY. Are you sure you told him that?

Mr. DEAN. Well, I told him—what I told him is that I had conveyed to him——

Senator GURNEY. Why would he be interested in that?

Mr. DEAN. I will tell you why he would be interested in that.

Senator GURNEY. Why would you be interested in telling him?

Mr. DEAN. I would be interested in telling him because at that point in time, I was very concerned that this thing might lead directly to the President of the United States and that was the seriousness of his being involved.

Senator GURNEY. Well, what did you tell him that you needed him for, to raise money for what? That is why he came there, isn't that right?

Mr. DEAN. That is correct.

Senator GURNEY. What did you tell him that you needed him for?

Mr. DEAN. To pay for the silence of these individuals.

Senator GURNEY. Are you sure you told him that?

Mr. DEAN. Well, if there was any doubt in his mind, I would be surprised.

Senator GURNEY. Well, I thought that the money went for a number of things, like the payment of bail money, the payment of attorneys' fees, the payment of support for the defendants and their families.

Weren't those some of the reasons the money was being raised?

Mr. DEAN. I can recall—

Senator GURNEY. You told him nothing about that?

Mr. DEAN. Well, Senator, if you will let me answer the question, please.

I can recall that when Mr. Ehrlichman was asking me about some of my testimony, he said, well, I always assumed this was for humanitarian purposes.

I said, now, you know we talked about specifics, I played some tapes and the like. To pay the support, the bail, and the like of these individuals who had been found in the Democratic National Committee, who could begin unraveling the whole matter—I think, Senator, knowing the good lawyer you are, you would understand very well that this was for silence. Mr. Kalmbach had no difficulty understanding that this was for silence.

Senator GURNEY. I am not sure I would at all. I think that would be a very human thing to do if you employed some people who had got caught and who had no resources. I would think it would be a fairly logical thing, that you might raise some money for these expenditures.

Mr. DEAN. Well, Senator, I am saying that I was quite sure that Mr. Kalmbach understood after our meeting that the purpose of his mission was. He told me that he wanted to use Mr. Ulasewicz for the deliveries. If we were going to make such payments openly, why not put it on the campaign expenditures?

Senator GURNEY. Well, as I understand your testimony now, you did discuss this business of raising the money for bail, for support, for attorneys' fees.

Mr. DEAN. That is correct.

Senator GURNEY. And you did not discuss specifically that this money was being raised to pay for silence.

Is that correct?

Mr. DEAN. Well, Senator, I can't recall specifically what I said, but I felt quite confident that Mr. Kalmbach understood. Given the whole procedure that was being set up and the use of Mr. Ulasewicz, that this was not for humanitarian purposes, we might say.



Senator GURNEY. Who suggested the use of Mr. Ulasewicz?

Mr. DEAN. Mr. Kalmbach raised that himself. He said he was the only man he would trust.

Senator GURNEY. What did you say and plan or what was the understanding about the instructions that were going to be given to Mr. Kalmbach from time to time?

Mr. DEAN. I told him that Mitchell had suggested that he get his detailed instructions from Mr. LaRue, who had all the facts and details. I did not have them.

Senator GURNEY. You mentioned a meeting in your office. I don't recall the date now, but Mr. LaRue came there for the purpose, I think, of turning over some money.

Is that correct?

Mr. DEAN. No, it wasn't to turn over money; it was to explain to Mr. Kalmbach the nature of the deliveries. He had a large sheet of paper—when I say large, it was probably a folded 8 by 10. Mr. Kalmbach took notes and put into his own code on a very small piece of paper the information that Mr. LaRue had and put this in his wallet.

Senator GURNEY. Did you set up that meeting?

Mr. DEAN. As I recall, Mr. Kalmbach had asked me if LaRue and he could meet in my office, and I said fine.

Senator GURNEY. You don't recall that you set up the meeting—

Mr. DEAN. I don't recall the mechanics of the meeting. Mr. LaRue had a White House pass. He had been on the White House staff before. I didn't really know him when he was at the White House and didn't know he had a pass until he was able to come into my office without being cleared. Mr. Kalmbach also had a pass, so it was very easy for them to come to my office and meet.

Senator GURNEY. Were there any other people present?

Mr. DEAN. No, sir.

Senator GURNEY. Just the three of you?

Mr. DEAN. That is correct.

Senator GURNEY. My understanding of your previous testimony is that at the meeting, you didn't pay any attention to it at all and they just talked among themselves—

Mr. DEAN. Well, I wouldn't say—I wasn't totally unaware of what they were talking about. I can't recall specifically the dollar amounts. I did take some telephone calls and return some, because Mr. Kalmbach was being very careful in deciding how he was going to decipher down this larger list into a smaller list that he could use himself.

Senator GURNEY. Let's turn now to the September 15 meeting with the President and Mr. Haldeman and yourself. That of course is a very important meeting, because I understand from your testimony that it was at that meeting that you felt that the President knew all about Watergate, is that right?

Mr. DEAN. Well, I will say this, when I came in, the indictments had been announced, he acted as if it was a very cordial circumstance. The President asked me to sit down and told me that Bob had told him what I had been doing and he expressed appreciation for it. He, you know, indicated that he was—I could tell, you know you can tell, when you are talking with the President when he understands or not. I learned that even more later when I had more dealings with him when I knew something would come up that he knew nothing about and I would have to go into greater detail.

Senator GURNEY. Did you discuss the criminal cases that were coming on for trial?

Mr. DEAN. Yes, we did or it was the criminal case at that point. It was the entire seven were being moved forward as a trial.

Senator GURNEY. Did you discuss the civil suits that were filed by the Democrats?

Mr. DEAN. Yes, we did.

Senator GURNEY. Did you discuss the Common Cause suit that had been filed by Common Cause?

Mr. DEAN. That is correct.

Senator GURNEY. Did you discuss the Patman hearings that were imminent?

Mr. DEAN. That is correct, we did.

Senator GURNEY. Any idea how long these discussions took?

Mr. DEAN. I would say that the entire meeting lasted 30 minutes or some, 40 minutes.

Senator GURNEY. Did you discuss any aspects of the Watergate at that meeting with the President. For example, did you tell him anything about what Haldeman knew or what Ehrlichman knew?

Mr. DEAN. Well, given the fact that he told me I had done a good job I assumed he had been very pleased with what had been going on. The fact that the indictments, he was pleased that the indictments had stopped at Liddy because the only other link into the White House, as we had discussed earlier in sessions with Ehrlichman and Haldeman, was Magruder.

Senator GURNEY. Did you discuss what Magruder knew about Watergate and what involvement he had?

Mr. DEAN. No, I didn't. I did not get into any—I did not give him a report at that point in time.

Senator GURNEY. Did you discuss the coverup money that was being raised and paid?

Mr. DEAN. No, sir.

Senator GURNEY. Did you discuss Strachan bringing wiretap information in to Haldeman?

Mr. DEAN. No, I did not.

Senator GURNEY. Did you discuss Haldeman instructing Strachan to destroy all of these materials?

Mr. DEAN. No, I did not.

Senator GURNEY. Did you discuss the CIA coverup idea?

Mr. DEAN. I did not.

Senator GURNEY. Did you talk about coaching Magruder on his perjured testimony in August?

Mr. DEAN. No, I did not.

Senator GURNEY. Well now how can you say that the President knew all about these things from a simple observation by him that "Bob tells me you are doing a good job."

Mr. DEAN. Well, Senator, I assume you know how your staff operates. I assume members of your staff understand how you operate, how reporting requirements proceed. I was aware of the fact that Mr. Haldeman had often made notes, Mr. Haldeman has a good memory. Mr. Haldeman does not leave details aside. This was the hottest issue that was going in the campaign. I can't believe that the fact that we were going to contain this matter would totally escape the President's

attention and it was to me a confirmation and a compliment to me that I had done this.

Senator GURNEY. Don't you think the President might have been complimenting you on the, I will use the word, investigation even if you don't desire that word, of the involvement of the people in the White House, the FBI interviews, all of that business, don't you think he might have been discussing that?

Mr. DEAN. I would think he would say something to the effect that "Well, your investigation has been very accurate" rather than "Bob's been telling me everything you have been doing and you have been doing a good job."

Senator GURNEY. Did he say that "Bob has been telling me everything you have been doing."

Mr. DEAN. He said "Bob has been reporting to me," something of this nature.

Senator GURNEY. I thought you said that he said that "Bob has been telling me what a good job you have been doing."

Mr. DEAN. Well, we are quibbling over words but I remember—

Senator GURNEY. We are not quibbling over words. We are talking about something very important, whether the President of the United States knew on September 15 about the Watergate and the coverup.

Mr. DEAN. I am totally aware.

Senator GURNEY. This protects his Presidency and the Government of the United States.

Mr. DEAN. I am quite aware of that and I have told you I am trying to recall. My mind is not a tape recorder. It does recall impressions of conversations very well, and the impression I had was that he had told, he told me that. Bob had reported to him what I had been doing. That was the impression that very clearly came out.

Senator GURNEY. In other words, your whole thesis on saying that the President of the United States knew about Watergate on September 15 is purely an impression, there isn't a single shred of evidence that came out of this meeting.

Mr. DEAN. Senator, I don't have—

Senator GURNEY. That he knew anything about.

Mr. DEAN. Senator, I don't have a thesis. I am reporting the facts as I am able to recall them to this committee.

Senator GURNEY. Let's turn to Segretti. I understand you talked to him in June and advised him about his pending interview with the FBI, is that correct?

Mr. DEAN. I had a call from Mr. Strachan who asked me if I would meet with Mr. Segretti.

Senator GURNEY. I presume that you learned at that time his participation in the dirty tricks department.

Mr. DEAN. He was not fully explicit at that time and that is why it was not until November that I went out and had a full interview with him to find out the dimensions of the involvement of Mr. Chapin and Mr. Strachan, a copy of that tape, of that interview, I turned over to the committee and that was the first time I really knew of the full dimensions of his involvement.

Senator GURNEY. But did you know he was up to dirty tricks in June?

Mr. DEAN. Yes; I did.

Senator GURNEY. Did you tell that to the President of the United States?

Mr. DEAN. I think I have explained my reporting times to the President, and this I might also add that the——

Senator GURNEY. In other words, you did not tell it to the President of the United States?

Mr. DEAN. No, sir. The coverup on Segretti was sort of a mini coverup as opposed to the rather large and extensive coverup that was going on with the other matters.

Senator GURNEY. The purpose of the meeting with Mr. Segretti was to advise him to withhold information from the FBI about Strachan, Chapin, and Kalmbach, isn't that right?

Mr. DEAN. Unless pressed.

Senator GURNEY. Now then let's go to October, going along there in chronological fashion, and the money that was turned over to you, the \$15,200; now why were you put in charge of that money?

Mr. DEAN. I can't answer that question. I know that Mr. Strachan and Mr. Howard brought it to me on the week of June 19, I think it was the 20th or 21st they brought it to me.

Senator GURNEY. Who brought it to you?

Mr. DEAN. Mr. Strachan, Gordon Strachan and Mr. Richard Howard.

Senator GURNEY. What were their instructions?

Mr. DEAN. Mr. Strachan told me that these are funds that had not been expended, they were in Mr. Howard's custody and asked me to take custody of the money and I told him I would. I told Strachan I would tell him what, you know I would remain accountable for the money.

Senator GURNEY. Now then, I understand that you withdrew \$4,850 from it.

Mr. DEAN. That is correct.

Senator GURNEY. And that you placed in it, what was it, a packet of money?

Mr. DEAN. When I took it out. I took out, I was seeking to take out about \$5,000. I thought that would cover my expenses. I might put this in context: When my prospective bride came back I was working around the clock on this, I had been given a couple of assignments. I was supposed to get the minister or I was looking for a judge to do that, and also to get some wedding music because the wedding was going to be held in a home. Come Thursday I hadn't even gotten a chance to take care of these matters. I had made some preliminary calls and had to get another member of my staff to go out and find somebody to perform the ceremony on Friday, and I sent my secretary to go out and find wedding music. I didn't exactly sit down and plan this thing out and realized I would not have money to pay for the honeymoon and expenses to occur and this was a very easy thing for me to do and reach in and take out what I thought I would need at that time.

Senator GURNEY. Well, my question was, "Was the money in a packet or envelope, the whole \$15,200?"

Mr. DEAN. It was in two envelopes. I had replaced it. I had put them both into one envelope, and put them in my safe.

Senator GURNEY. Then you put your check for \$4,850 in this envelope?

Mr. DEAN. After I counted out what I thought was going to be roughly \$5,000 and it came up to \$4,850. I put a check, wrote a check out and put it in, wrote it to cash.

Senator GURNEY. How were you going to spend the \$4,850?

Mr. DEAN. Well, to the best of my recollection.

Senator GURNEY. Will you just generally tell us.

Mr. DEAN. Yes.

To the best of my recollection I had made reservations for an accommodation in Florida that was going to run roughly \$100 a day. I had hoped to spend about 2 weeks down there. I also had food expenses, I was going to have people come in and do the serving, and travel expenses, and I assumed that just \$5,000 would cover it.

Senator GURNEY. It seems like a lot of money for a honeymoon. [Laughter.]

I am really trying to find out a just rough idea of how you were going to use all that money?

Mr. DEAN. Well, sir, as I say I also was having my yard done that day and I thought I might have to pay having dirt delivered, my patio had been repaired, I had a whole host of other expenses I thought I was going to be hit with that night when I walked in.

Senator GURNEY. You can't give a better explanation of how you were going to spend \$4,850?

Mr. DEAN. Well, as I say, I was told that the backyard was going to cost about \$500. I thought about \$2,000 for the honeymoon and I didn't know what it was going to cost to have people that would do the serving and the like so I just took what I thought would be a safe amount to cover all my expenses.

Senator GURNEY. I recall in your testimony that you said that you had neglected or forgotten to get some money out of an account in New York, and that is why that you took the \$4,850, is that correct?

Mr. DEAN. That is correct. I from time to time would call my broker when I felt I needed money and just ask him to send me money.

Senator GURNEY. This was a brokerage account?

Mr. DEAN. That is correct.

Senator GURNEY. Where is it or where was it?

Mr. DEAN. Shearson & Hamill in New York City.

Senator GURNEY. What was the broker's name handling it?

Mr. DEAN. Mr. Arnold Katz.

Senator GURNEY. Did you ever call him for \$4,850 to replace this?

Mr. DEAN. Not until early this year. I mean not early this year, it was in March or April of this year.

Senator GURNEY. Now then, of course, you really never went on the honeymoon, did you, except for a short time?

Mr. DEAN. I made several attempts but did not make it.

Senator GURNEY. Well, what did you do with the \$4,850?

Mr. DEAN. Well, as I said, at one point in time, well, I began using it for personal expenses.

Senator GURNEY. Did you use all of it for personal expenses?

Mr. DEAN. Well, I did pay for some travel, I did pay for some expenses in Florida out of it. I have not sat down and tried to re-

construct every expenditure. It might be possible for me to do. I don't know in dealing with cash but I bought everything from groceries and just used it personally.

Senator GURNEY. I wonder if you would try to do that for the committee, reconstruct how you spent it.

Mr. DEAN. Certainly.

Senator GURNEY. Why didn't you replace it shortly after this time?

Mr. DEAN. Well, at one point I did put in, back in what I had into the account, and in November when I was trying again to get a honeymoon in I took it back out again.

Senator GURNEY. How much?

Mr. DEAN. Senator, I have no idea. I commingled it with other money of mine and put back in and taken back out.

Senator GURNEY. Do you recall how much you put back in?

Mr. DEAN. No, sir; I do not.

Senator GURNEY. You don't recall how much you took back out?

Mr. DEAN. I do not at this point. I could—as I say I will try to reconstruct that for the committee.

Senator GURNEY. Did you do it at any other time?

Mr. DEAN. No.

Senator GURNEY. Put in and take out?

Mr. DEAN. Not to my recollection, no.

Senator GURNEY. Only the one time following the original?

Do you know this is a crime, Mr. Dean?

Mr. DEAN. I am not aware what crime it is, no.

Senator GURNEY. Isn't it embezzlement?

Mr. DEAN. Well, I had very clearly made, there was no intention on my part never to account for the full amount. I had understood later that by the time I had taken it out it was moneys that had come over from the 1968 primaries, and I knew at some point in time there were many people aware of the fact that I had custody of the money, that I was to account for \$15,200 and I was perfectly willing, able and capable of accounting for that full amount.

Senator GURNEY. Did anybody know you had ever taken the money out?

Mr. DEAN. Not to my knowledge, no.

Senator GURNEY. Did you tell anybody?

Mr. DEAN. No; I did not.

Senator GURNEY. When did you tell somebody about handling this money?

Mr. DEAN. When I went to the Government, when I first began talking to the prosecutors I explained it to them. I told my lawyer about it also when I retained counsel.

Senator GURNEY. When was that and who?

Mr. DEAN. I retained Mr. Shaffer on March 30 and I don't recall exactly when we got around to that. We spent most of the time getting out my explanation of the facts and then we started getting down into details and at that point in time I told him I had this money and I thought we ought to handle that also.

Senator GURNEY. Was the check still in there at that time?

Mr. DEAN. Yes; it was.

Senator GURNEY. In other words, you never told anybody about this or really did anything about it until April when, of course, the whole Watergate thing was blowing?

Mr. DEAN. Well, Senator, I will tell you, I thought at one time I ought to stick cash back in there and I said that is the dishonest thing to do in this regard, I have to come forward and explain that I did make personal use of this money.

Senator GURNEY. Where is the money now?

Mr. SHAFFER. Excuse me. I would like to say as counsel for Mr. Dean, that based upon the facts that have been discussed with Mr. Dean, if they are true, Mr. Gurney says that is embezzlement. I disagree with him, and I think there are enough lawyers in the room to know what embezzlement is, and I do not plan to take the time now unless the Chair expressly asks me to make that definition. However, I think it is unfair to the record to have the situation in a demurrer posture and to conclude that on the facts that are recited by Mr. Dean, if true, that that is embezzlement.

Senator GURNEY. Well, we might rephrase the question this way. [Laughter.]

Did it ever occur to you, Mr. Dean, that this might have, that you might have been committing some sort of an offense or crime?

Mr. DEAN. No; it did not because I felt I was always prepared to account for the money.

Senator GURNEY. Let us go into the business of attorney's fees.

Well, first of all, was not your lawyer originally Mr. Hogan?

Mr. DEAN. That is correct.

Senator GURNEY. And then you changed from Mr. Hogan to whom?

Mr. DEAN. Well, I began discussing with Mr. Hogan who is a very able lawyer, who has had some criminal experience, on March 25, who he would suggest is a very fine criminal lawyer. We talked about, I told him that I wanted to have a very fine criminal lawyer to go over a lot of these things to get some independent counsel on. Mr. Hogan, who is also from, has a suburban practice, told me about Mr. Shaffer. I had known Mr. Shaffer from some years ago, we had had a casual acquaintance, where we had met, I do not know how many years ago, three or four, I guess it has been, and I liked him when I met him. I knew he had been a prosecutor, and enjoyed a good reputation in that regard. I also called on the 28th and 29th several other friends to ask them who they might suggest as a very capable criminal lawyer that could assess this situation for me. I wanted them to look at my problem and everybody else's problem and that had never been done based on the facts that I knew. So Mr. Hogan was my initial lawyer, then Mr. Hogan dropped out of the case because he had a conflict of interest because he had represented Mr. Colson at one stage and he realized that when my conversations went on it might get on into Mr. Colson, so he withdrew and about that same time Mr. McCandless was retained.

Senator GURNEY. Is Mr. Shaffer chief counsel or Mr. McCandless?

Mr. DEAN. I think they are cocounsel and Mr. Shaffer and Mr. McCandless work together very closely.

Senator GURNEY. Have you paid them a retainer?

Mr. DEAN. They have sent me a bill I have not paid.

Senator GURNEY. Did you handle any other cash during the campaign other than the \$15,200 that you testified to?

Mr. DEAN. Did I personally handle it? No, sir, I did not.

Senator GURNEY. Have you received any payments from anybody this year or last year other than the income which you received from your employment or the brokerage accounts?

Mr. DEAN. I have had reimbursements from the Government and I had a reimbursement from the Re-Election Committee for an expenditure for the convention but those were the only reimbursements.

Senator GURNEY. Turning now to—

Mr. DEAN. You said also my brokerage firm, I guess it was this year that I made a substantial profit on a home I owned. I had bought a house at, in the neighborhood that Senator Weicker has recently moved into, I might add, where I was one of the first persons in the neighborhood, and they were almost giving the houses away at that point in time. I bought the house, encouraging a lot of my friends to buy houses also, and we were able to negotiate by bringing the number of people in simultaneously, a rather good purchase price. Within 11, 12 months I had made a \$15,000 profit on one home and was able to buy another home and pay for the furniture in the second house.

Senator GURNEY. Is it my understanding that the committee is being furnished a full financial statement by the witness?

Mr. DASH. We will so receive one.

Mr. DEAN. I have not been asked for one. I would be perfectly willing. My records are in the White House, my own records are down there with everything else and I might add that I would be perfectly welcome for any audit or any examination that I understand Mr. Bellino, who is with the staff, and would welcome his full and thorough analysis of all my financial holdings or dealings and the like.

Senator GURNEY. I would like to request that, Mr. Chairman. I do not want to ask the witness questions here on that but I would like a full statement for the committee.

Senator ERVIN. The witness says he will be glad to furnish it so I request him to do so. I do not know whether he has to get access to the records at the White House or not.

Mr. DEAN. Well, as I say, they will give me access down there and I think they might let me take my own personal things out there, I assume that is going to occur.

Senator GURNEY. Now, if we can go to November, Mr. Dean, as I recall, in the testimony there was discussion some time around November about a written report that was to be written by you on Watergate?

Mr. DEAN. That is correct.

Senator GURNEY. Who requested that report?

Mr. DEAN. That was Mr. Haldeman who first raised it with me.

Senator GURNEY. Did you ever write this report?

Mr. DEAN. Yes, sir, and I have submitted that as a document to the committee.

Senator GURNEY. Did you—if we have it I can look at it there—but did you ever tell the President about this report or give him a copy of it?

Mr. DEAN. No, sir, I used my normal reporting channels. I understand that it went from Mr. Haldeman to Mr. Ehrlichman, who made some editorial changes on it which are reflected, I believe I submitted the original to the committee, the editorial changes are Mr. Ehrlichman's. Then, it went to Mr. Ziegler and there was a meeting on September 13 in which it was decided that report would not be issued.

Senator GURNEY. Turning to the offer of clemency to Mr. McCord, as I understand it, you made the arrangements for that through Mr. Caulfield?



Mr. DEAN. That is correct.

Senator GURNEY. And he, in turn, communicated with Mr. McCord, I guess, through Ulasewicz one time and then himself; is that correct?

Mr. DEAN. That is my understanding.

Senator GURNEY. And my understanding also is that the offer of clemency was made to Mr. McCord, I think, in terms like this: That it comes from the highest authority in the White House; is that substantially correct?

Mr. DEAN. That is correct; yes.

Senator GURNEY. Did you ever advise the President of the United States about that?

Mr. DEAN. No, sir. As I had explained in my testimony, I was proceeding on a conversation I had with Mr. Ehrlichman after Mr. Ehrlichman indicated and Mr. Colson also had indicated that they had talked directly with the President about the matter, something which was later confirmed by the President himself in conversations with him.

Senator GURNEY. Did you ever have a meeting with Mr. Magruder, let me see on this, in January or December, in which there was a discussion about the planning of the Watergate? Do you remember anything about that?

Mr. DEAN. I recall Mr. Magruder coming to my office one time, and this is—I saw part of Mr. Magruder's testimony on this before this committee. It is one if I have seen 3 hours total I would be surprised, but I did see part of Mr. Magruder, I caught one section of the questioning of him, I believe it was during the questioning of him, in which he made a reference to this.

I think what he is referring to—

Senator GURNEY. What did he refer to?

Mr. DEAN. He was referring to the fact that my memory had gotten suddenly foggy. I have never, as I testified before this committee, understood what happened between, with any clarity, between February 4 and June 17, and I was—we were talking about that.

I think he also was referring to the meeting on—he may have been mixing the meetings and referring to the fact that on March 28, when I came back from Camp David, that I was playing very dumb, I was playing very reluctant—and I was. I did not want to engage in a discussion of my recollection of those meetings, because we had gone over that before and I had made my decision by that time as to what I was going to do and I did not want to get into a debate on it.

I believe he also referred to the fact that I taped that conversation. That is not correct.

Senator GURNEY. Let me refer to his testimony when he was here before the committee. He said: "Well, I think the one occasion that did crop up when I asked for an appointment with Mr. Haldeman."

I said: "When was this?"

He said: "That was probably in January, probably in early January, December"—that would have been January of this year or December of last year—it was before that meeting with Haldeman, so it must have been in December. It was when he indicated to me that he did not know how the Watergate had ever been planned, something to that effect.

And I said, John, do you not remember, something to that effect? And I became concerned, of course, over that type of conversation, because obviously, that would be at a time that could be an indication that somebody was being set up, in effect.

That was his testimony.

He also testified some place else.

Now, do you recall whether you had any conversation with him?

MR. DEAN. My discussions with Mr. Magruder while he was at the inaugural committee, were basically around what he was going to do. The one conversation I recall very clearly did not relate to this at all. It was the conversation that occurred in the hall when I was trying to dissuade him from going to California to run for office. He said that he was going to go out and test the waters, because he thought that he had met so many people during the campaign, he could get good financial backing and now was the time to move.

I thought, without telling him, that he was going to have some serious problems down the road and he would be putting a lot of people who had gone out to back him in jeopardy, and tried to persuade him not to do it.

He was adamant. I later called Haldeman, who agreed also that it was a very unwise idea for Jeb to go out and pursue office. He told me he was going to call Mr. Finch and speak to him about it to try to dissuade Jeb from doing it. And he was also going to call Kalmbach, who was one of the persons Magruder was going to meet with.

Then, when I met with Jeb, we had a number of discussions to the effect, he said, I have told Higby my problem. They are going to help me. They also know the problem and I want to get a good job. That was the tenor. It was a job-oriented discussion and I cannot recall a specific conversation where I told him that.

I do recall in February—excuse me, in March—when I was at Camp David, and this is in one of the exhibits I have submitted, when he wanted me to have a very fresh recollection of the meetings that had occurred in February, or January and February of the preceding year. At that point in time, I was trying—I said to him—I thought I had gotten a bum rap for being accused of having prior knowledge of this matter and Magruder agreed. And I have submitted a tape—that is a conversation I did record, with a dictaphone held to the receiver. I happened to have the suggestion from Mr. Haldeman that I do that while I was at Camp David, and I thought it was a pretty good idea, so you will find that exhibit is one of the ones I submitted.

SENATOR GURNEY. Of course, what he was saying is that you and he were discussing, I guess, the Watergate and what led up to it and that his impression was that you were forgetting, I guess, about the meetings in Mitchell's office and the discussion of the electronic bugging and Liddy's plan and all that sort of thing. Do you recall that at all?

MR. DEAN. I only recall that I have always told Magruder that I was never clear on what happened between February and June 17. I have repeated that to him on a number of occasions, because I have not—in fact, some of Mr. Magruder's testimony was a revelation to me.

SENATOR GURNEY. Let us go to the meeting now of March 21 in the White House, which is a very important meeting, of course, with you and the President. That, as I understand it, is when you gave him a pretty complete rundown of the story about the Watergate, is that correct?

Mr. DEAN. That is correct. I think I have stated in my intentions that what I had seen occurring—I had had earlier conversations. The President had been rather nonchalant in dealing with the \$1 million issue. We had discussed on the 13th the fact that he had discussed clemency with Colson and Ehrlichman. I really felt that the President did not understand the full implications of some of these activities and I did not know if he knew the full involvement of everybody, and I thought that I should report it.

I also would like to add one other thing. On a number of occasions, I asked Mr. Ehrlichman, particularly after the first of the year, if the President were being kept fully informed still, because he did the same amount of note taking and the trial was over and things had sort of slowed down as far as the chaos that sometimes was occurring at the White House. Ehrlichman assured me that the President was being kept regularly posted.

Senator GURNEY. On this meeting of the 21st, did you explain to the President in full all you knew about Watergate?

Mr. DEAN. Well, I would not say it was every detail, because as you know, it has taken me 6 hours to read a statement to this committee, which is highlights of the full story. I think I gave—

Senator GURNEY. Could you summarize briefly for us the points you touched upon?

Mr. DEAN. I think I have in my testimony summarized those points. If you want me to go through them again, I will. I have taken great care in trying to do that in my testimony.

Senator GURNEY. Did you tell him anything about your involvement in Watergate?

Mr. DEAN. Yes, sir, I did. And I had on previous occasions. I had tried back as early as the second meeting, I believe, to tell him that I felt that I was involved in an obstruction of justice, particularly after he had told me that I should report to him and made the comment to me that Haldeman and Ehrlichman were principals. That stuck in my mind so very clearly that I thought maybe he did not understand everything that I was doing. When I raised this with him, I gave him a few of the facts and he began to debate with me about the fact that he did not think I had any legal problem based on what I was telling him and I said I did. He did not want to get into it at that time. I do not know what was intervened, but we did not have an extended discussion.

I believe that also came up at a meeting when Dick Moore was present.

Senator GURNEY. Did you talk to him about the coverup money and your involvement in that?

Mr. DEAN. In February?

Senator GURNEY. No, no, March 21.

Mr. DEAN. Yes, I did.

Senator GURNEY. You told him all about that?

Mr. DEAN. Yes, sir.

Senator GURNEY. What about the discussion—

Mr. DEAN. I told him particularly—what had really happened—let me put this in sequence.

One of the things that to me was one of the real outrages, that bothered me tremendously, was when Mr. Hunt made his final de-

mand on the White House. He sent, he apparently had a meeting with Mr. Colson's lawyer, Mr. Shapiro, and he had also had a meeting, a direct meeting with Mr. Paul O'Brien. Mr. O'Brien—I believe that meeting occurred on the 19th. On the 20th or on the—let us see, what was the weekend before? He had had the meeting on the Friday and O'Brien came to me—

Senator ERVIN. I am going to have to ask the group holding the conference over here to step outside for the conference. It is disturbing the orderly procedure of the hearing.

Mr. DEAN. As I was saying, Mr. Hunt met with Mr. O'Brien on a Friday and reported to me on the preceding Monday. That report was that Hunt was demanding \$72,000 for living expenses and \$50,000 for attorney's fees and the message was sent directly to me. I asked Mr. O'Brien, why are they sending it to me?

He said, I happened to ask Mr. Hunt the same question. He said, you just send this message to Dean. He said, you tell him that if that money is not forthcoming quickly, because sentencing is going to occur this week and it is going to take me time to make arrangements, that I will have a lot of seamy things to say about the things I have done for John Ehrlichman and I will have to start reconsidering my options.

Now, that was what prompted me to raise this again with Dick Moore when I had had a meeting with Moore. I told Moore that I was, you know, this thing—we had talked for many, many months about trying to end this. I thought this to me was just another indication of direct blackmail of the White House.

Senator GURNEY. Well, again, if we can confine ourselves to the meeting of March 21 with the President—that is really what I am getting at.

Mr. DEAN. Sir, I am saying that came up in the meeting with the President.

Senator GURNEY. And you told him all about that?

Mr. DEAN. Yes, I did.

Senator GURNEY. And you told him about the raising of the coverup money, Kalmbach, all that activity?

Mr. DEAN. I went over that rather quickly. What I did was I painted a very broad picture of what I thought was happening and asked him if there were any questions he wanted to ask about that, I would fill in any details.

Senator GURNEY. Did you talk to him about the Magruder affair, helping to prepare his testimony for the grand jury?

Mr. DEAN. I didn't get into any great detail. I alluded to the fact that I had assisted Magruder in preparing him to go before the grand jury, in his second appearance before the grand jury, yes, I did.

Senator GURNEY. Did you talk to the President or report to him about the executive clemency offer to Caulfield?

Mr. DEAN. No, I didn't—to Caulfield? You mean through Caulfield to McCord?

Senator GURNEY. Yes. Yes.

Mr. DEAN. To the best of my knowledge, that did not come up and we didn't get into that.

Senator GURNEY. Did Haldeman come in later at that meeting?

Mr. DEAN. The President called Mr. Haldeman to come in.

Senator GURNEY. And did you go over the whole thing pretty much again while Mr. Haldeman was there?

Mr. DEAN. No, sir; I did not.

Senator GURNEY. What transpired while Haldeman was there?

Mr. DEAN. A decision was made that Mr. Mitchell should come down the next day and there was a brief discussion about that. From that, we went to a meeting in Haldeman and Ehrlichman's office.

Senator GURNEY. That was the only thing that was discussed?

Mr. DEAN. That was the sum and substance of Mr. Haldeman's appearance in the President's office. We were alone virtually the entire time and it was at the very end of the meeting that he came in.

Senator GURNEY. Do you remember how long he was there?

Mr. DEAN. I don't. I would not say more than 5 minutes or so, to the best of my recollection.

Senator GURNEY. Did you have a later meeting with the President and Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. On what day, sir?

Senator GURNEY. That day.

Mr. DEAN. Yes, sir.

Senator GURNEY. What was discussed at that meeting?

Mr. DEAN. Well, as I say, I went from the President's office to a subsequent meeting with Ehrlichman and Haldeman and the discussions began to focus on Mitchell coming down and having Mitchell step forward and if Mitchell stepped forward and would account for this thing, then maybe the problems that had followed for the White House after the break-in would be forgotten. And we went to a meeting in the President's office that afternoon to rediscuss that. A number of ideas came up.

Senator GURNEY. Now, who was at that meeting?

Mr. DEAN. Well, initially, Mr. Ziegler was in there, as I recall, and as we sat down and assembled, Ziegler left. It was from there that the meeting really got down to a discussion between Ehrlichman, Haldeman, myself, and the President.

Now, during that meeting, I recall a number of ideas were being suggested and the like. At that point, it was the first time I had ever mentioned in front of Haldeman, Ehrlichman, and the President the fact that I thought they were all indictable—not including the President. I said that Haldeman, Ehrlichman, and Dean could be indicted. For that reason, I disagreed with whatever they were talking about. The President on a number of occasions turned to me and said, Do you agree? I said, No sir, I do not.

After doing this a number of occasions, I finally said I think that Haldeman, Ehrlichman, and Dean are indictable and got a very, I might say a chilling look from Mr. Ehrlichman.

Senator GURNEY. Was immunity discussed by anybody?

Mr. DEAN. On a number of occasions, I discussed the concept of immunity with Mr. Moore as a device—

Senator GURNEY. No, I mean on this occasion.

Mr. DEAN. In the meeting?

Senator GURNEY. March 21, the meeting in the afternoon.

Mr. DEAN. Not to my recollection, other than the fact that I had once conceived, you know, that the way to get the truth out would be to have everybody have some sort of immunity, because everyone in-

volved would have a criminal implication and I thought at that point that the most important thing for the American people was to get the truth out. And as I say, Moore and I had discussed a number of concepts as to how to do this in the past and we had never really found a solution.

Senator GURNEY. Was there any tentative decision by those present—that is, you and Haldeman and Ehrlichman—to go to the grand jury and tell the whole Watergate story?

Mr. DEAN. No sir, there was not. To the contrary, I had kept raising the fact that as a result of the Gray hearings, it was going to be a matter of time before I was called before the grand jury. It just presented a real dilemma to me because I was going to lay out the facts just as I knew them. And there was a lot of discussion about executive privilege applying before the grand jury and things of this nature.

Senator GURNEY. Then there was no discussion, as I understand it from your testimony, about going to the grand jury, ever, and telling the whole thing as possibly this immunity business—

Mr. DEAN. There could have been some discussion about my immunity concept. I don't recall that everybody said, let's walk down to the grand jury and tell the story, no, sir. To the contrary, I think it was quite evident in the meeting the next day, where the real concern was this committee and that continued to come up again and again.

Senator GURNEY. My question really was, there was no discussion about going to the grand jury, is that right?

Mr. DEAN. Well, other than, as I say, in the context that I had raised the fact that I thought I would be called before the grand jury at some point in time.

Senator GURNEY. Well, I mean about you going voluntarily and the others, too.

Mr. DEAN. No, sir, not to my recollection. I don't believe I ever heard Mr. Ehrlichman and Haldeman volunteer to go before the grand jury.

Senator GURNEY. Was there also a discussion at this meeting and later at the one on the 22d that all of you might put this down on paper as to what you viewed as your role in the Watergate? You and Haldeman and Ehrlichman?

Mr. DEAN. Yes, sir. The first time I heard about writing a report again occurred when I arrived at Camp David on the afternoon of the 23d. The telephone was ringing as I walked into the cabin my wife and I were staying in. The operator told me it was the President on the phone. It was not the President. It was Mr. Haldeman on the phone and he said, while you are up there, why don't you sit down and write a report on this thing.

I asked him, was it going to be for internal or external use and he said, that hasn't been decided yet. We had already gone through what I called really an effort to put out a fairy tale on this thing that had been turned down on December 13. I wondered if we were going to go through this exercise again, because if we were going to do it again, I wanted to know how to proceed.

Senator GURNEY. Then it was after that that the President asked you to go to Camp David?

Mr. DEAN. Well, the President called me on the 23d. In the meeting on the 22d—I might mention this: As early as February, when I had a meeting with the President, he asked me had I ever spent any time up at Camp David? I said no, I hadn't, I had been up there to a meeting once right after the election, a very brief meeting with Ehrlichman and Haldeman. He said, you and your wife ought to go up there on some weekend, it is an excellent place to go. He mentioned that on a number of occasions and I told my wife, I said, the President has been very gracious in saying that you should go to Camp David and mentioned it to her.

Senator GURNEY. At any rate, you did go to Camp David, sort of understanding that you were going to write a report about Watergate, is that right?

Mr. DEAN. No, sir. When the President talked to me on the 23d, I had talked to O'Brien that morning about the fact that in court, Mr. McCord's letter had been read by Judge Sirica. O'Brien reported from somebody who had told him at the courthouse.

I called Ehrlichman, and Ehrlichman said he had a copy of the letter and read me a copy of the letter and asked me what my assessment of it was. Based on my conversation with O'Brien, I told him that it seemed at best that all McCord has is hearsay.

It was then much later. It was, oh, in the afternoon, I guess, 1 or 2 o'clock or so. I was still surrounded by the press at home because of the Gray statement the preceding day; they wanted me to make a comment on it, and I didn't want to do that. I received a call from the President.

There are some details of that conversation of a personal nature to the President that, the first family, that I don't want to put in because they are not relevant. But I recall the conversation very clearly, because there were some complications because Mrs. Nixon and Tricia were up there at the same time.

The President said, "Well, go on ahead. You need the break, you have been under a lot of pressure," and the like. He never at any time asked me to write a report, and it wasn't until after I had arrived at Camp David that I received a call from Haldeman asking me to write the report up.

If I was going to go up and write a report, I would have gone to my—there was general discussion also of preparing a Segretti report, as I recall. If I had gone to Camp David specifically to write a report, I would have gone to my office first and collected an awful lot of material that I didn't take with me, which I subsequently had to call back for in order to write a report.

Senator GURNEY. It was shortly after this, though, that then you engaged counsel, is that correct?

Mr. DEAN. On the evening—I believe it was Sunday evening, I received word that the Los Angeles Times was going to publish a story that I had had prior knowledge of the fact that there was going to be a break-in of the Democratic National Committee headquarters on June 17.

Now, I knew I hadn't had prior knowledge of that. In fact, I don't think anybody other than those involved had prior knowledge of the fact that there was going to be a break-in. I thought it was libelous.

I called Mr. Hogan, told him, explained in generalities the facts,

and he put the papers on notice that there was a libel suit in this matter.

At that time, I also told him that I wanted to talk to him further about this, and we had further conversations while I was up there about the general situation. So the counsel was retained at that time.

Senator GURNEY. What date was that?

Mr. DEAN. That was on the 25th, as I recall.

Senator GURNEY. And that was Mr. McCandless, and Mr.——

Mr. DEAN. No, that was Mr. Hogan.

Senator GURNEY. Mr. Hogan?

Mr. DEAN. That is correct.

Senator GURNEY. When did you employ Mr. McCandless and Mr. Shaffer?

Mr. DEAN. Mr. Shaffer was employed on the 30th.

Senator GURNEY. Of March?

Mr. DEAN. Of March.

Senator GURNEY. And Mr. McCandless?

Mr. DEAN. I don't know precisely. It was after Mr. Hogan withdrew. It was sometime in April, mid or late April, to the best of my recollection.

Senator GURNEY. Then my understanding of the testimony is that on April 2, your attorneys or Mr. Shaffer went to see the Federal prosecutors, is that correct?

Mr. DEAN. That is correct.

Senator GURNEY. What was the purpose of that?

Mr. DEAN. To tell them that I was prepared and ready to come forward.

Senator GURNEY. And when did you go and talk to them?

Mr. DEAN. Well, I believe that Mr. Shaffer and Mr. Hogan had a number of meetings where they outlined the scope of my testimony. I had spent several hours with both of them outlining my involvement with myself and the involvement of others. I had deferred from getting into any Presidential areas.

Senator ERVIN. The committee will stand in——

Senator WEICKER. Mr. Chairman, I have a request up there.

Mr. DASH. Yes.

Mr. Dean, just before we recess, there has been a little confusion in the exhibits that you have submitted, and we want to make sure we have them properly identified. There is a list which is entitled "Opponent Priority Activity." That is captioned so that we know who prepared that list. There happens also to be a document which is on White House stationery which is for eyes only, dated June 24, 1971, memorandum for John Dean, Gerry Warren, De Van Shumway, subject, opponents list, and the statement is "Attached is the list of opponents which we have compiled. I thought it would be useful to you from time to time," and it is signed, George T. Bell.

Is this the list that goes with that memo?

Mr. DEAN. Mr. Dash, I would like a look at those first if I could before I——

Mr. DASH. Do you have them?

Mr. DEAN. I don't know which one you are referring to.

Mr. DASH. Would someone give this list and give this memorandum—do you have the memorandum of June 24, 1971, also? Memorandum for John Dean, Gerry Warren, Van Shumway.



Mr. DEAN. Is there a list that accompanies the June 25 one, also, that you have attached?

Mr. DASH. June 25?

Mr. DEAN. It would either have to be from the——

Mr. DASH. No, there is no list attached to the June 25 one.

Mr. DEAN. All right. It would either be the June 24 or June 25 that would be attached there.

Mr. DASH. No, the June 25 says, "Please add the attached list of Muskie contributors."

That list I have just given you is not a list of Muskie contributors.

Mr. DEAN. This would go with the list on June 24, to the best of my knowledge.

Mr. DASH. And that is your understanding in submitting that to the committee, that to the best of your knowledge, that list is covered by the memorandum of June 24, 1971?

Mr. DEAN. I know the source of this would be from Mr. Colson's office, this list, yes.

Mr. DASH. Who is Mr. George T. Bell?

Mr. DEAN. He was a member of Mr. Colson's staff at the time.

Mr. DASH. And it is your understanding that the list was prepared in Mr. Colson's office?

Mr. DEAN. These lists were prepared by Mr. Bell and Miss Gordon, and kept continuously updated. This does not represent the totality of the list. This represents what I have in my possession.

Mr. DASH. For our record now, that list did come from Mr. Bell and is related to the June 24 memorandum?

Mr. DEAN. That is my understanding. This is my best recollection from the way I extracted the documents from my records.

Mr. DASH. The list does not have any identification on it. That is why I am asking you that question.

Mr. DEAN. Yes, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Thank you.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:25 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

#### AFTERNOON SESSION, WEDNESDAY, JUNE 27, 1973

Senator ERVIN. The committee will come to order. Senator Gurney, you may resume your examination.

Senator GURNEY. Thank you, Mr. Chairman.

Mr. DEAN. Senator Gurney, I wonder before we proceed, counsel has a couple of exhibits that were in my folder this morning that we did not get to, to insert and there was a request made by the committee yesterday and at this time he would like to insert them into the record.

Senator GURNEY. Yes, pursuant to request.

Mr. McCANDLESS. Excuse me, Mr. Chairman and Senator Gurney. I think it was Senator Weicker who requested yesterday the Sullivan memorandum. I have that. There is another memorandum here marked confidential we would like to turn over to the committee without description, unless the chairman or counsel would like Mr. Dean to read it, but at this time we would like to turn these over.

I also understand that there may be some confusion about some part of a list that has been left out of the opposition list. All we can say is

that last night, as we were looking for the files to respond to this committee's request, that list was hastily assembled. We hope that it came here all intact. We had no other reason to think otherwise. If we could have a Xerox copy back of the list, we would then be able to ascertain whether everything was in it or not.

Senator ERVIN. There are two documents I wish that Mr. Dean would search his files and see if he has copies of them. One is what is called a decision memorandum which bears the letterhead: White House, Washington, July 15, 1970; and the other—

Mr. McCANDLESS. Would you repeat that?

Senator ERVIN. Decision memorandum, the White House, Washington, July 15, 1970, and the subject is "Domestic Intelligence."

And the other is organization and organizations of the interagency group on domestic intelligence and internal security, IAG. These were two documents that were printed in the New York Times and the Washington Post, but were not in the documents that Mr. Dean turned over to Judge Sirica and Judge Sirica turned over to the committee.

Mr. DEAN. Senator, to the best of my knowledge, I do not have those documents, but I will check and I probably will have to go to my White House files to ascertain if they are located in those files.

Mr. McCANDLESS. If the committee can give any help to Mr. Dean in respect to Senator Gurney's request on the financial records that are still in the EOB or as to the rest of Mr. Dean's files, it would be helpful, because he does have some problem in getting in there and copying those.

Senator ERVIN. Yes. You might let Mr. Dean identify the so-called Sullivan memorandum, and then we will mark it.

Mr. DEAN. It is a memorandum, there are several memorandums with the envelopes in which I received them. They are typed by Mr. Sullivan, as Mr. Sullivan told me he had typed them. One is a memorandum re President Johnson, "Politics and the FBI." The other one is headed top secret with preface, and then the first line is he indicates he will make a general statement relative to the FBI and politics in various administrations. And then on subsequent pages he sets those circumstances out.

There is also a note to me from Mr. Sullivan in which he indicates the contents are self-explanatory, and asks me to take recognition and tolerance to his own poor typing.

Then, there is another letter I received from him classified secret, re Watergate, and in which he indicates in light of the recent hearings it could be that specific probing of the Watergate affair may turn out to be more troublesome than anticipated and indicates he would be willing to testify on behalf of the administration and draw a clear contrast between this administration and past administrations with reference to information that he had in his possession and knowledge.

Senator ERVIN. Those will be received and marked for identification but will not be admitted into evidence at this time because I am not sure that this committee has jurisdiction to investigate the matters to which that was related. You might let them be marked.

[The documents referred to were marked exhibits Nos. 57 and 58 for identification only and are not for publication.]

Senator ERVIN. Let's see the confidential document.

Mr. McCANDLESS. It is coming right up.

Mr. DEAN. Counsel has also advised me that the one sheet is not complete. There were other lists when we went through last night, and the only thing I can say is it must have gotten back into another file, and we will reexamine it and find it.

Senator ERVIN. This confidential document is a thing that is a memorandum for H. R. Haldeman, Charles W. Colson, "Eyes Only."

Mr. DEAN. That is correct.

Senator ERVIN. What does this "Eyes Only" mean on the document? [Laughter.]

Mr. DEAN. That is one of the classifications that was used around the White House to mean that it was for the eyes of the recipient only.

Senator ERVIN. And he was not to copy it, is that what it means?

Mr. DEAN. Well, often you will know there are carbon copies or blind carbon copy indications on it. The use of this classification developed when we started reducing the rather overabundant use of what really were security classifications, national security classifications that related to matters that were not national security.

Senator ERVIN. I will also have these marked for identification because it is not clear yet that they relate to matters that the committee is authorized to investigate.

Mr. DEAN. I say they came in response to Senator Weicker's question of yesterday.

Senator ERVIN. Have them marked for identification and not as exhibits here. Thank you.

Mr. McCANDLESS. Just one more request. I have been handed a 3-page list of opponents priority, and there are 20 names on it, the documents that were turned over this morning and marked by Mr. Dean in several places contain more than just these 3 pages.

Mr. DASH. That has already been received. That is what I was asking Mr. Dean to identify in connection with the June 24 memorandum signed by Mr. Bell. But all that was received from you this morning was that particular memorandum of a list of names. It is the only names we received.

Senator ERVIN. I am going to request the staff to make requests of the White House for copies of the document, decision memorandum of the White House July 15, 1970, and the White House document organization and organizations of the interagency group on domestic intelligence and internal security. And also for the document entitled "Domestic Intelligence Review" which was a part of the memorandum for H. R. Haldeman from Tom Charles Huston. I believe you called the name Huston?

Mr. DEAN. Yes, I believe that is the way he pronounces his name, Senator.

Senator ERVIN. Senator Gurney, you may proceed.

Senator GURNEY. Thank you, Mr. Chairman.

Mr. Chairman, I will try to be as brief as possible and close up my testimony.

Senator ERVIN. So far as the chairman is concerned I think you are rendered a real service to the committee and the country and I don't want you to feel rushed at all.

Senator GURNEY. I appreciate the courtesy of the chairman and the members of the committee.

I just wanted to clear up one little point on the coverup money which I didn't touch on this morning.

When you had your meeting with Mr. Kalmbach on June 29 did you ask him for a certain sum of money that you would need to have him raise?

Mr. DEAN. At that time I didn't know how much was to be raised and I believe I discussed with him the fact that he would get this information from Mr. LaRue.

Senator GURNEY. Where did you have this conversation? Is that in the coffee shop or up in his hotel room?

Mr. DEAN. Well, the bulk of the conversation took place in his room and not in the coffee shop. We only talked for maybe 5 minutes in the coffee shop.

Senator GURNEY. And then you adjourned up to his room in the Mayflower Hotel?

Mr. DEAN. That is correct.

Senator GURNEY. But you don't recall that any figure was mentioned at that time?

Mr. DEAN. No, Senator, I don't.

Senator GURNEY. Let us go to the \$350,000 fund that came into the White House. My recollection is that Mr. Strachan picked up that amount of money from over at the Committee To Re-Elect the President. When did that occur?

Mr. DEAN. When did Mr. Strachan pick it up?

Senator GURNEY. Yes.

Mr. DEAN. To the best of my knowledge, and I was told this after the fact, in more detail, was prior to April 7. The first time I was aware of the fact that he was receiving money before April 7 is when Mr. Strachan came to me and asked me if I could suggest the name of somebody outside of the Government that would have a, or could open a safety deposit box. I told him I could not, and did not know the amount of the money at that time.

Senator GURNEY. Now, as I understand there was some money used out of the \$350,000.

Do you recall what that figure was?

Mr. DEAN. Yes, I do. It was—I am trying to recall when I first learned it, it was sometime, oh, within 2 or 3 or 4 weeks after the June 17 incident that I was told that \$22,000 had been expended out of that amount. And that there had been that much taken out of apparently the safety deposit box and that money, in turn, was to be used for advertisements or something of this nature.

Senator GURNEY. Well, that really—

Mr. DEAN. I have not finished. I was looking to see if the chairman wanted me to proceed.

Senator ERVIN. There is a vote on now and we will have to take a short recess.

[Recess.]

Senator ERVIN. The committee will come to order. Senator Gurney.

Senator GURNEY. Do you know what it actually was used for?

Mr. DEAN. The \$22,000?

Senator GURNEY. Yes.

Mr. DEAN. I know that the \$15,000—I learned later that the \$15,200 that was returned to me was a part of the \$22,000 that had not been that was returned to me was a part of the \$22,000 that had not been expended and I was told that the part that had been expended had been used for political ads.

Senator GURNEY. So I guess \$6,800, then——

Mr. DEAN. \$6,800——

Senator GURNEY [continuing]. Then would have been used?

Mr. DEAN. Yes, correct.

Senator GURNEY. Now, did you have a conversation with Mr. Stans about restoring the \$22,000 to this fund and making it whole again?

Mr. DEAN. Yes, I did.

Senator GURNEY. When did you have that conversation?

Mr. DEAN. Well, there were a number of conversations on this, Senator, that commenced late July, August, September, because there was a desire to get the entire \$350 back out to the White House. Simultaneous with these conversations, there was also a desire to accumulate any cash that could be found to pay for the support and silence of the individuals who had been involved in the Watergate. I can recall on several occasions discussing this with Mr. Stans and Mr. Parkinson on how to deal with the \$350,000. One of the problems was where would it go that it wouldn't be reported and if it were reported before the election, it would appear to be a secret slush fund at the White House.

Senator GURNEY. Well, did you discuss it after the election with Mr. Stans?

Mr. DEAN. Yes, I did. In fact, after the election, at one point, Mr. Stans advised me that he had the money to replenish the \$350,000 fund and called me and told me. I tried to reach Mr. Strachan, was unable to reach Mr. Strachan. Mr. Stans, for a reason I do not recall now, told me there was some immediacy in the money being picked up. I in turn called Mr. Fielding and asked Mr. Fielding if he would go and pick up a package from Mr. Stans and give it to Mr. Strachan as soon as he could locate Mr. Strachan.

Senator GURNEY. When was that?

Mr. DEAN. That was in—I believe it was November 28.

Senator GURNEY. Well, now Mr. Dean, why did you ask Mr. Stans for \$22,000 at this time, when you were holding \$15,200 of this money in trust? Why didn't you simply ask him for \$6,800 to make that \$22,000?

Mr. DEAN. Well, Senator, as I have indicated, from the very outset, there was a request for all the available cash. I was quite aware of the fact that I was holding cash. I had also made a decision that the cash that I was holding I didn't want to be used to pay for the support, for the silence of these individuals, and I was not going to become involved in that with actual cash that I was passing for that purpose.

Senator GURNEY. But you were requesting \$22,000 from Mr. Stans just for that purpose, were you not?

Mr. DEAN. No, I was not. It was to make the fund whole and there was resistance at that point from the White House——

Senator GURNEY. If you were requesting it just to make the fund whole, why would you be so unwilling to part with the \$15,000 that you had?

Mr. DEAN. Because as I say, there was pressure from the White House and within days after Mr. Stans returned or sent over the \$22,000, the demands reached such a crescendo that in fact I was asked to go to Mr. Haldeman and get authorization to use the entire \$350,000. And I was very much aware of being in the middle of the dual conversation, on the one hand to make the funds whole and simultane-

ously, with making money available to pay the defendants. I had no idea how it was going to turn out.

Senator GURNEY. Well, I must say I am puzzled. I do not quite follow the reasoning. First you say that you did not use the \$15,200 which came from the \$22,000, to return it and make it whole again because you thought that money might be used for silence money. But then, when I asked you when you requested it from Mr. Stans, you had no compunctions about that. You said, "Well, that was not going to be used for that." Now, which is which?

Mr. DEAN. Well, as I say, I was not discussing with Mr. Stans the fact that there was pressure being placed on the White House to pay money. That was coming to me from other channels. I was always hopeful that we would find some remedy, that that \$350,000 would not be used to pay for the support of these individuals. There was certainly no certainty that that would or would not happen. I had discussed it with Mr. Haldeman, the fact that they were asking for the money. Mr. Haldeman agreed that we ought to make the money whole. I told him that there were demands and there were requests upon it. So I kept the \$15,200 totally out of the conversations.

Senator GURNEY. But the \$15,200 had come out of the \$22,000, had it not?

Mr. DEAN. That is correct.

Senator GURNEY. I should think the logical thing to have done would be to return that and also to have added \$6,800 from Mr. Stans and made it whole.

Mr. DEAN. Well, Senator, from where I was sitting, that seemed like a great risk that that money was going to go to pay the defendants.

Senator GURNEY. Was it not a greater risk for you to have it and be short the \$4,850 which it was short?

Mr. DEAN. I was quite prepared to make that money whole at any point in time.

Senator GURNEY. When you put the check in the envelope that contained the \$15,200, your check, I understand, of \$4,850—

Mr. DEAN. That is correct.

Senator GURNEY. What account was that drawn on?

Mr. DEAN. It was drawn on my personal checking account.

Senator GURNEY. Was there enough money in the checking account to cover it?

Mr. DEAN. No, there was not at that time, but on previous occasions, I had overdrawn my account and it had been covered. Within 24 hours, I was able to get the money in the bank and cover it.

Senator GURNEY. I have here a copy of a bank statement that came in at noon time from the National Savings & Trust Co., showing an account to John Wesley Dean III. Is that the account that you drew the check on?

Mr. DEAN. I assume, because that is the only checking account I have at that bank.

Mr. THOMPSON. I might point out, Senator Gurney and Mr. Chairman, this is pursuant to a subpoena signed by the chairman on the 22d of this month. We received certain records—they were being compiled, they were furnished to us over the noon recess. I have here the document that Senator Gurney is making reference to, which is a bank statement dated October 26, 1972, on the National Savings & Trust

Co., Washington, D.C. So I have here two copies for you and counsel. I submit it at this time.

Senator GURNEY. I wonder if you would look at the bank statement and tell the committee how much money you had in the checking account at that time, Mr. Dean.

Mr. DEAN. At which time, Senator?

Senator GURNEY. October 12.

Mr. DEAN. The balance indicates about \$1,600.

Senator GURNEY. \$1,625.12, is that not correct?

Mr. DEAN. That is correct.

Senator GURNEY. Yet, you put in your file where you were keeping the money in trust a check for \$4,850.

Mr. DEAN. That is correct.

Senator GURNEY. Just a couple of other questions about the use of the money. You mentioned that you had this work done in the patio I think that was about \$500 worth of work, is that correct?

Mr. DEAN. That is approximately what I recall, yes.

Senator GURNEY. Why did you not pay that by check? That would be the normal procedure?

Mr. DEAN. I ultimately did.

Senator GURNEY. I thought you said you paid it out of cash out of this account?

Mr. DEAN. No, I told you I was anticipating what my needs would be at that time, but I did not use it for that purpose ultimately. As I said, I made personal expenditures out of the money for everything from groceries to other incidentals.

Senator GURNEY. Why did you not pay those things by check?

Mr. DEAN. Because I had the cash in my possession and I was using it for that purpose, Senator.

Senator GURNEY. But cash out of this trust fund.

Mr. DEAN. That is correct.

Senator GURNEY. I am curious about the wedding trip. Do you use credit cards?

Mr. DEAN. Sometimes, sometimes not.

Senator GURNEY. You do have credit cards?

Mr. DEAN. Yes, I do.

Senator GURNEY. Did it ever occur to you to use these on your honeymoon instead of this cash?

Mr. DEAN. Well, as my wife well knows, I try to use my credit cards as infrequently as possible, because I don't like to live on credit.

Senator GURNEY. Turning to the meetings with the President, now, as I understand it, you engaged your counsel—I think this is where we left off when we adjourned this morning—on April 2 of this year.

Oh, yes, Mr. Chairman, I would like to make this statement of the National Savings & Trust Co. on John Welsey [sic] Dean III account a part of the record.

Senator ERVIN. The reporter will mark this as an exhibit and insert it in the record at this point.

[The document referred to was marked exhibit No. 59.\*]

Senator GURNEY. Would you state again now when you engaged your present counsel?

\*See p. 1712.

Mr. DEAN. I engaged Mr. Shaffer on the 30th of March. Mr. McCandless was engaged, as I recall, sometime in mid-April, after Mr. Hogan had removed himself from the case.

Senator GURNEY. Now, at that time, I suppose you discussed with him your criminal liability, is that correct—your possible criminal liability, excuse me.

Mr. DEAN. At the first meeting I had with Mr. Shaffer on the 30th, I think we spent initially about 5 hours in which I went over the highlights. He said, I would like to think about that over the weekend and meet with you again on Monday morning. That was on a Friday. On Monday morning, we met again, spent about 2 hours or more going over further details, in which I was giving him the highlights of everything that I knew about the entire picture.

Senator GURNEY. Did you have any discussions in this time frame with the President of the United States?

Mr. DEAN. The President—

Senator GURNEY. The time frame you are talking about?

Mr. DEAN. The President had gone to San Clemente at that time.

Senator GURNEY. Actually, did you have any meeting at all with the President from the meeting on March 22 and the phone calls on March 23? I understand there were two.

Mr. DEAN. No, one.

Senator GURNEY. One only?

Mr. DEAN. There was one call. As I said, when I arrived at Camp David, they said it was the President calling but it was Mr. Haldeman. I assume he was calling from the President's office at that time.

Senator GURNEY. Then there were no phone calls on the 23d with the President?

Mr. DEAN. Yes, there was. There was one phone call on the 23d. I don't recall the precise hour, sometime after lunch, when we discussed my going to Camp David.

Senator GURNEY. And that was the last contact with him until April 14, is that correct?

Mr. DEAN. I believe it was April 15, Senator.

Senator GURNEY. April 15?

Mr. DEAN. Yes.

Senator GURNEY. You are right. That is true. Now, why was that? You had been meeting with him almost daily there in March on a number of things, many of which had touched on the Watergate affair, according to your testimony. Why was there this total and you had sudden absence of any other contacts, meetings, or phone calls with the President?

Mr. DEAN. Well, I can only tell you what my impression of the situation is. When I met with him on the 22d in the afternoon—let's say it was the afternoon of the 21st—I had gotten rather factual and open in a meeting with Ehrlichman and Haldeman and the President that I thought they could be indicted, that I could be indicted, and I was disagreeing with most everything that was being said in the meeting. I subsequently had a meeting the next day, on the 22d, in the morning, with Haldeman, Ehrlichman, Mitchell, and myself. There was further discussion of—one of the first things that came out in the meeting was the fact when Mr. Ehrlichman asked Mr. Mitchell if Mr. Hunt's problems had been taken care of, referring to the fact



that Hunt had made demands. Mr. Mitchell said, "I don't think that Hunt has any problems anymore."

Then there was the afternoon meeting in the President's office in which there was more discussion about how to handle this committee and deal with it vis-a-vis the White House and the President and the President's posture on executive privilege. I again had quite evidently shown a different posture than I had before.

[Recess.]

Senator ERVIN. The committee will resume.

Senator GURNEY. Mr. Dean, we were discussing the time lapse between those meetings with the President, the last meetings on the 20th and 21st and 22d and your next communication with him, which was April 15, as I recall.

Mr. DEAN. Yes, Senator, and I believe I was explaining that it was after the meeting on the 22d, that afternoon, when we met again with Mr. Mitchell, Mr. Haldeman, Mr. Ehrlichman, and the President, and there was more discussion of dealing with this committee, some discussion about the fact that the Executive privilege statement was too broad and that the President would probably have to retreat somewhat to a position, this is Mr. Mitchell's suggestion, and he saw this to be the only problem in dealing with the committee. And then, on the 23d the President was going to Key Biscayne, and I believe he probably was in Key Biscayne when he called me, I am not certain because of the time frame. As I said, I had been surrounded by the press and was at my house and I talked to Ehrlichman that morning about the McCord letter, and then the President called and suggested I go to Camp David, and I would say that was the last time I talked with him until April 15 at which time I sent him a message.

Now, why did this happen? In my estimation, it was becoming very evident to certainly Mr. Haldeman, Mr. Ehrlichman, and probably the President, who was present during the meeting on the afternoon of the 21st, that I was not playing the coverup game any more, and certainly when I came back from Camp David that was very evident to them in my meetings with Mr. Haldeman, my subsequent meeting with Mr. Mitchell, and my meeting—

Senator GURNEY. When were they?

Mr. DEAN. This was on the 28th.

Senator GURNEY. The meeting with Mitchell.

Mr. DEAN. Mitchell and Magruder. Mitchell and Magruder had met with Haldeman, and then when Mr. Haldeman called and asked me to come back from Camp David and I had a brief meeting with him, as I said, we had for many, many, many months, we talked very openly about—

Senator GURNEY. When was that?

Mr. DEAN. This was on the 28th.

Senator GURNEY. In the meantime, you had engaged counsel on the 25th?

Mr. DEAN. Well, no, sir—yes, I did, I did. I engaged—

Senator GURNEY. Hogan?

Mr. DEAN. I engaged Hogan and in regard to the story running in the Los Angeles Times—

Senator GURNEY. And Mr. Shaffer on the 30th.

Mr. DEAN. When I was at Camp David I really made a decision there was no way that I was going to continue in the coverup.

Senator GURNEY. All of these meetings on the 20th, 21st, 22d, as I understand it, they were the first meetings between what I would call perhaps the most principal people involved in Watergate, at least those in the White House, to where you were coming to serious discussion about what ought to be done and all of you realized that something certainly had to be done, and done rather fast, as I understand it?

Mr. DEAN. I would not characterize the meetings as to what had to be done. In fact, the meetings were, as I believe I described them in my testimony, very similar to many, many meetings had occurred, or I had been in earlier where we talked about, you know, how do we deal with the Senate committee, the President at one point in the meeting picked up the phone and called the Attorney General and asked him why he had not been meeting with Senator Baker.

Senator GURNEY. But the March 21 meeting was a meeting that, as I understand it, you sought with the President to tell him, as I think you said, the broad outlines of the Watergate story. Is that not right?

Mr. DEAN. Well, as I said also, we had discussed the Watergate on previous occasions before that, we discussed it on the 13th. We talked about money and clemency. He had told me as early as my February meetings with him, that I was to report directly to him at that point. If you check some of the exhibits that I have submitted you will see that there are a lot of Presidential decisions being made as a result of the La Costa meeting, and it was at one point I decided that I had to tell the President what I thought the implications of this whole situation was. That I thought that not only was there a problem for some that were involved before the break-in had become known but I thought there were a lot that had problems as a result of the break-in, and that the coverup could not continue.

Senator GURNEY. Well, at any rate, whatever was being discussed at these meetings the 20th, the 21st, and the 22d, they certainly were very important matters affecting Watergate, is that not true?

Mr. DEAN. They were affecting Watergate to the degree of how to deal with this Senate committee, yes.

Senator GURNEY. You mean you only discussed the Senate committee in these meetings?

Mr. DEAN. That is the thrust of virtually the entire conversations that occurred, particularly when Mr. Mitchell was present, the morning he was present, on the 22d.

Senator GURNEY. What about the meeting of the 21st? You had two that day, one with the President when Mr. Haldeman came in later, and then another one with Mr. Haldeman, Ehrlichman, and yourself and the President. Was that the subject of this committee here that you talked about?

Mr. DEAN. I think, as I testified, that after I had completed my presentation to the President from some of the questions he asked and some of the statements he made I did not feel that he fully understood the problem that people at the White House had for their involvement in the post situation. It was somewhat like—

Senator GURNEY. So it was a much wider discussion than simply this committee?

Mr. DEAN. Not really, Senator, it was, it was a rambling discussion. It did not have a particular focus. We never got down to specifics. The meeting—I assume what was going to happen as a result of the meeting that afternoon of the 21st and a subsequent meeting I had had earlier, at that meeting was that there was going to be an effort to have Mr. Mitchell step forward and take the heat.

Senator GURNEY. Did you not seek the meeting of the 21st with the President?

Mr. DEAN. Yes, sir, I did.

Senator GURNEY. Why did you?

Mr. DEAN. As I think I mentioned earlier to you, I had had a communication from Mr. O'Brien that Mr. Hunt was making new and increased demands that were now coming directly to the White House, and I could see that the White House was going to be increasingly and increasingly placed in a position of having to deal with this situation.

Senator GURNEY. And is that not what precipitated your request for this meeting with the President so that you can tell him the whole broad outline of the Watergate and what it was all about?

Mr. DEAN. Well, I had discussed with Moore, Dick Moore, for many, many months how to end this situation, how to get the President out in front of it so that he would step forward and say, "This is what my involvement is, this is what the picture is from my standpoint." But there just seemed no way to do that.

Senator GURNEY. Did you not discuss the day before, March 20, as I recall, with Mr. Moore, that "Now I have got to go in and tell the President what this is all about, and I am going to make an appointment with him tomorrow." Is that not the substance of the conversation that morning?

Mr. DEAN. That did—yes, and Mr. Moore encouraged me to go in, as a matter of fact.

Senator GURNEY. Tell him about Watergate, the whole thing?

Mr. DEAN. That is correct. But as I say, Mr. Moore, it is much—it is parallel to the Segretti situation in this regard my conversation with Mr. Moore. Mr. Moore knew a lot but he did not know everything. For example, when he had recommended that the President merely issue a letter of censure to Mr. Chapin and keep him on at that point he had only the broadest understanding of Chapin and Strachan's involvement. He had not heard the tape that I had recorded with Mr. Segretti.

Senator GURNEY. Well, perhaps we had better continue on because there are other members I know who want to question and I have got to close mine down here.

But at any rate after these meetings of the 20th, 21st, and 22d, you had no communication with the President until April 14, 15?

Mr. DEAN. April 15.

Senator GURNEY. April 15. That strikes me as very surprising. All of these very important matters, at least to me, about Watergate were being discussed in these very crucial meetings of the 20th, the 21st, and 22d and then there is no communication with the President until April 15.

Why is this so? I don't understand.

Mr. DEAN. Well, as I told you, when I came back from Camp David, the signals that I got were very clear to me. I had discussed matters

of the coverup very openly with Mr. Haldeman in the past, and suddenly we weren't discussing those things. I was sent into a meeting that I didn't want to attend with Mr. Mitchell and Mr. Magruder; I had had conversation with, in the next day or so with Mr. Ehrlichman, and I could tell, when you deal with somebody for a long period of time, you can tell if there is a change of attitude, a different posture. They realized where I stood at that point, that I was not going to involve—or be involved in the coverup any further. They went to California. While they were in California I had seen no change in attitude on behalf of anybody on the White House staff or for that matter the President after the fact I had given him what I thought was the most shocking way I could present the situation to him, and I decided at that point that I would definitely retain counsel, I would assess the circumstances and I would make my decision on what to do.

Senator GURNEY. You retained counsel April 30?

Mr. DEAN. I made calls—I retained counsel on April 30, had made calls—

Senator GURNEY. When did counsel—

Mr. DEAN. I mean not April 30, March 30, excuse me.

Senator GURNEY. March 30.

When did your counsel go to the prosecutors, Federal prosecutors?

Mr. DEAN. I believe the first meeting they had was on the afternoon of April 2.

Senator GURNEY. Then there were a number of meetings after that; is that correct?

Mr. DEAN. That is correct.

Senator GURNEY. And they were discussing with the Federal prosecutors the subject of immunity all this time; is that correct?

Mr. DEAN. I wasn't present at those meetings.

Senator GURNEY. Do you know whether they were, did they tell you?

Mr. DEAN. I believe they did discuss immunity; yes. I don't think it was discussed, as immunity as such as let's find out, have discussions with Dean and his testimony to find out what his testimony is about, whether he is a witness, whether he is a defendant, they all went into the discussions of immunity as I recall.

Senator GURNEY. Of course, we can find that out from the prosecutors.

Mr. DEAN. I am sure you can, sir.

Senator GURNEY. Did you advise Mr. Haldeman when you engaged counsel, criminal lawyer, on March 30?

Mr. DEAN. No, I did not. They were on the west coast and counsel advised me to stop and try to avoid any further discussions with anybody who was involved in the coverup and I tried to avoid conversations relating to the coverup as much as possible.

Senator GURNEY. And you didn't advise Mr. Ehrlichman?

Mr. DEAN. No, I haven't completed yet, Senator.

And it was—the 8th of April, to the best of my recollection, that I was going to have a meeting directly with the prosecutors. And arrangements had been made whereby my testimony had been explained in some degree to the prosecutors by my attorneys and an arrangement had been worked out whereby I could deal directly with the prosecutors so they could see first hand or hear first hand and ask questions of me in a manner that anything that was given to them

would not be used against me later. That meeting was scheduled for the 8th, as I recall, and before that meeting, I called Mr. Haldeman in California to tell him that I was going to meet with him.

The reaction I got from that call made it evident to me, very clearly evident, that that wasn't what they wanted, because I recall that Mr. Haldeman told me—there is something that stuck in my mind because I had never heard the expression before. He said, "Well, John, once the toothpaste is out of the tube, it is awfully hard to get it back in."

Senator GURNEY. I remember that. But that was what, 6 days after your attorneys had started to meet with the Federal prosecutors, is that correct?

Mr. DEAN. That is correct, and I did not reveal at that time to Mr. Haldeman when I talked to him what I would do and in fact, I decided I would go ahead and talk to the prosecutors.

I also would like to state that at this point—

Senator GURNEY. Now, wait a minute. Are you saying that on April 8, you didn't tell him, Mr. Haldeman, that you were going to talk to the Federal prosecutors?

Mr. DEAN. That is correct; I did not.

Senator GURNEY. I understood you to say that you did.

Mr. DEAN. I called him to tell him. When I got that reaction—I said I had a meeting scheduled with them. When I got that reaction from him, I didn't say whether I would or I would not. It was while they were flying back east that day that I received a call from Air Force One requesting that I appear in Mr. Ehrlichman's office when they arrived back in the city. I departed from a meeting with the prosecutors to go see Mr. Ehrlichman and Mr. Haldeman at the White House.

Senator GURNEY. Well, then, you really never advised them at any time that you were meeting with the prosecutors, is that correct?

Mr. DEAN. That is correct, sir.

Senator GURNEY. When you did see the President on April 15, though, you told him that you had engaged counsel and that you had been meeting with the Federal prosecutors, is that correct?

Mr. DEAN. Well, on—I believe it was late in the evening on the 14th, Mr. Shaffer had a call from the prosecutors saying that it was going to be necessary to breach the privacy of the conversations that were being held because they had been asked to report to Mr. Petersen and in turn to the Attorney General as to where the grand jury was going and what was likely to come out of it.

I think you should also remember that I testified that I, on the preceding Friday or Saturday, that same day, earlier that day, had tried to make it very clear to Mr. Haldeman and Mr. Ehrlichman with a list I had prepared that I was not playing any games and that they were very much involved and they should understand it.

Senator GURNEY. Well, since you had made your decision to come clean, as we might call it, and engage attorneys and go to the Federal prosecutors and tell them everything you knew about the case, why didn't you tell Mr. Haldeman and Mr. Ehrlichman? Don't you think that would have been a decent thing to do, to let them know what you were doing?

Mr. DEAN. My answer to that is that I had watched a frank-protecting operation commence before they went to California. I had seen

subsequent signs of that as well as I had seen preceding signs of it. Whenever I would, for example, raise testimonial points with Mr. Ehrlichman regarding things that might be asked me before a grand jury, for example when I went over the "deep six" conversation with him, he told me, well, he said, you don't have to testify quite that way. You can say you were making an inventory. And I said, well, I didn't make an inventory. He said, well, I am sure you will think of something.

Senator GURNEY. Well, was not yours really a protecting operation so you could get to the Federal prosecutors first with a bargain for immunity?

Mr. DEAN. I would not say it was a protecting opportunity. I would say I had made my decision as to what I was going to do and went to counsel to find out how best to proceed.

Senator ERVIN. There is a vote on. I expect we had better take a recess to vote.

[Recess.]

Senator ERVIN. Please come to order.

Senator Gurney.

Mr. DASH. Mr. Chairman, before Senator Gurney begins, for the record, an issue came up a little while earlier. Mr. McCandless was questioning whether the full list of so-called enemies or the contributors that Mr. Dean submitted has now been released. My statement was that it has. That was based on the fact that all we received from having been copied, we thought that was the complete list. But I have just been informed that additional lists are still down in the copying room for more copies of the additional materials that Mr. Dean had submitted to us. Since they have now been received by us, we will give you a complete copy. It has quite a few additional names, and they will also be released and members of the committee will get copies.

Mr. McCANDLESS. Thank you very much.

Senator GURNEY. Thank you, Mr. Chairman.

Mr. Dean, finally, before wrapping up here, I would like to pin down the occasions this year prior to March 21, the meeting with the President, when you and he discussed the coverup of Watergate.

Mr. DEAN. You mean direct conversations?

Senator GURNEY. That is right. It seemed to me there were one or two and I think they involved Executive clemency. Those are the ones I am talking about.

Mr. DEAN. All right.

There was a direct conversation about my reporting to him on Watergate on February 28, when he told me that I should come in and report to him because Haldeman and Ehrlichman were principals. It was, I believe, the meeting on the—may I check my list? I want to be accurate on this.

Senator GURNEY. Yes, indeed.

Mr. DEAN. All right. It was the meeting on the 27th that I had with the President when he told me to report directly to him. It was in the meeting on the 20th—well, also I might add at the conclusion of that meeting, as we were walking to the door to leave the office, he again complimented me on the fact that I had done a good job during the campaign, that this had been the only issue that they had had, that they had tried to make something of it but they had been unable to

make anything of it and he was very complimentary of my handling of the job. It was not dissimilar from a compliment he had paid me earlier. I again repeated to him that this thing had been contained, but I was not sure that it could be contained indefinitely.

He then told me we have got, you know, you have got to fight back on situations like this. And I can recall something I cannot express in writing, a gesture when he sort of put his fist into his hand and said, "You have just got to really keep fighting back and I have got confidence in you that you can do that and this thing will not get out of hand."

Now, the meeting on the 28th, there was discussion about some of the strategy that had been developed at the La Costa meetings regarding dealing with the Attorney General and developing—

Senator GURNEY. Again, I am really only interested in what I call the criminal activities. I think really, they are the coverup. We are not talking about the planning and break-in, but direct conversations with the President on that—not strategy meetings about the committee or that, but only the criminal activities.

Mr. DEAN. Well, Senator, it's hard for me to separate something like this out because we have a continuing sequence that evolved continuously, virtually, from the 19th until this thing finally ended and brings me to the hearing room today. It dealt with every aspect of the matter from press relations to—

Senator GURNEY. Well, I understand, but my recollection of the testimony—and obviously, it isn't nearly as accurate as yours, because I have only heard you go through the statement once. I think I have gone through it once myself. But I am talking about these cases where you and the President directly discussed Watergate, the coverup. It seems to me there were either one or two that involved Executive clemency. Those are the ones I am talking about.

Mr. DEAN. All right. Your question is, then, when did we discuss clemency? That came up at the meeting on the 13th—

Senator GURNEY. Of March?

Mr. DEAN. Of March, and again on the 15th of April, in which he had told me that he thought it was foolish for him to have talked to Colson.

Senator GURNEY. I am talking about meetings prior to March 21.

Mr. DEAN. All right, fine. There was discussion on the meeting on the 28th, when I tried to tell the President that I didn't feel—

Senator GURNEY. I am talking about prior to the 21st.

Mr. DEAN. That is prior, February 28.

Senator GURNEY. Oh, February 28, excuse me. I thought you were talking about March.

Mr. DEAN. When I discussed with him the fact that I thought he ought to be aware of the fact that I had been involved in obstruction of justice, when I made known to him that I had been made a conduit for decision. He said, John, you don't have any legal problems to worry about, I just don't believe you have any problems at all, and it was left hanging at that.

Senator GURNEY. Did you discuss any specific instances of obstruction of justice?

Mr. DEAN. Well, I, Senator, based on conversations I had with him, I had worked from—

Senator GURNEY. I am talking about this meeting.

Mr. DEAN. Yes, I understand. I am answering your question.

I can tell when I am talking with somebody if they have some conception of what I am talking about, and I certainly had the impression that the President had some conception of what I was talking about.

Senator GURNEY. But I am not talking about impressions. That is what I am trying to get away from. I am talking about specific instances.

Mr. DEAN. All right, I told him that I had been a conduit for a lot of decisions regarding support and for silence and things of this nature, and I felt that involved me in an obstruction of justice. The President didn't think it did.

Senator GURNEY. Did you mention any of these decisions specifically?

Mr. DEAN. I beg your pardon?

Senator GURNEY. Did you mention any of these incidents specifically?

Mr. DEAN. I did not get into specific instances. I rather gave him a general outline or picture of my conduit activities.

Senator GURNEY. Now, go on to the other meetings where you discussed specifically the coverup of Watergate, anything about it.

Mr. DEAN. That subject about my involvement in an obstruction position also came up at a meeting which I cannot date, but I recall that Dick Moore was present. I had mentioned this to Dick Moore and Dick Moore was another one who thought I had no legal problems and Dick was at that point fairly aware of the situation from the fact that he had been at the La Costa meetings.

I am now at the March 13 meeting, where the matter of executive clemency and the million dollars came up. That would be the next instance in the sequence.

Senator GURNEY. March 13?

Mr. DEAN. That is correct.

Senator GURNEY. And what happened then?

Mr. DEAN. At March 13, there was a number of unspecified demands for money that had come to me through Mr. O'Brien. I had also been having conversations with Mr. Mitchell.

I might mention this because it is just—I have just remembered this now. There was at one point in time, after Mr. Moore had been to visit with Mr. Mitchell in New York, following the La Costa meeting, an effort to have Mr. LaRue go out and raise money. This had been discussed earlier and Mr. LaRue had done some activities of this nature. Mr. Ehrlichman mentioned to me the fact that someone ought to go to Mr. Pappas, who was a long-time supporter of the President, and see if he would be of any assistance. Apparently, Mr. LaRue and Mr. Pappas had had some business dealings and as a result of those business dealings, Mr. LaRue was encouraged that something might be able to be done. But he told me that Mr. Pappas might want to have some favorable considerations from the Government on some oil matters that resulted from this mutual venture they were in. I reported this to Ehrlichman and Ehrlichman told me to just give him a call whenever anything was necessary.

So there was this general problem that was existing before the 13th of March as to who was going to raise the support money and how it



was going to get there. That is what prompted me to raise it with the President at the end of the meeting, because it was on my mind, and I told him that, you know, there were money problems, there was no money to pay these people and he said, "How much will it cost?"

I said, "My best estimate is a million dollars or more."

He asked me who the demands were coming from. I told him principally from Mr. Hunt through his attorney. At that point in time, he said something to the effect that, well, Mr. Hunt has already been given an assurance of clemency.

He said, I talked to Mr. Ehrlichman about that and then Mr. Colson came and talked to me about it after he had been instructed not to talk to me about it.

So that was the next occasion that came up.

Senator GURNEY. This is March 13?

Mr. DEAN. That is correct.

Senator GURNEY. Was that not also a preparation for a press conference, was that not the main reason for that meeting?

Mr. DEAN. On the 13th?

Senator GURNEY. Yes.

Mr. DEAN. The bulk of that meeting had to do with the fact that it was very likely that I was going to be called to appear before the Senate Judiciary Committee, and we had discussions at that time of possibly litigating over Dean as a means of not having other members of the White House staff having to appear before any other committee.

Senator GURNEY. Are you saying you discussed nothing about the press conference that day?

Mr. DEAN. I do not recall a preparation. It was generally just shortly before a press conference that these things would come up, that he would ask me for questions on a press conference.

Senator GURNEY. He had a press conference on the 15th of March. You had meetings with him on the 13th and 14th?

Mr. DEAN. 14th?

Senator GURNEY. 13th and 14th.

Mr. DEAN. It is very possible that questions came up during the press conference because he was following the Gray hearings very closely and whether the discussion that we were having regarding the Gray hearings was formulating answers in the President's mind for the press conference I do not know. He had not at that point begun to study, at least in my presence, his briefing book for the press conference.

Senator GURNEY. You cannot recall any discussions in either one of those meetings about a preparation for a press conference? All you recall is discussion about Watergate, is that your answer?

Mr. DEAN. No, sir; your question was, what specific conferences did I have with the President on Watergate.

Senator GURNEY. No, we are way beyond that. Then, I was asking did you discuss the press conference in the March 13 and 14 meetings and your answer was that you could not recall. Now, I am asking that—you can recall all about the Watergate on those two dates but you cannot recall any discussions about preparing the President for the press conference.

Mr. DEAN [conferring with counsel]. Well, Senator, all I can say is that the thrust of that meeting was not to prepare the President for a

press conference. There were discussions about the Gray hearings, there was discussion about the question of litigating executive privilege. The fact that the President gave a press conference on the 15th, those dates were generally flexible, and certain circumstances might influence the President as to whether he would or would not have a press conference.

Senator GURNEY. So you do not remember any discussion at either one of those meetings about the press conference?

Mr. DEAN. On the 14th I do, yes.

Senator GURNEY. But not on the 13th?

Mr. DEAN. Not on the 13th, no, sir.

Senator GURNEY. Let us go on. Are there other meetings that you remember in March, prior to the 21st of March, where Watergate was discussed, and again I am talking about the coverup, the criminal activities?

Mr. DEAN. Senator, again, I am not trying to include more in your question than I would wish to include but there was a general theory that had been set up at La Costa as to how to approach the entire Watergate coverup situation, so what might be your interpretation of a discussion of a Watergate matter and what had emerged out of the La Costa meeting, I find far different. If you will look at the agenda that went in to the President following the La Costa meeting, you will see those were the first beginnings of the coverup as it related to the hearings which were deemed to be as serious as a criminal investigation by the Department of Justice.

Senator GURNEY. We have got down to March 14th and we only have 7 days to go to the 21st of March.

Mr. DEAN. That is correct.

Senator GURNEY. Would you please tell me in these meetings you had with the President between March 14 and March 21, the occasions, the incidents, that you discussed the coverup of Watergate with him?

Mr. DEAN. Well, again, I think what I describe in my testimony is the post La Costa and I will be happy to go through that again and get into what were rather specific discussions of mechanics of coverup from a very detailed nature whereas opposed to the general policy of a coverup.

Senator GURNEY. Well, you had a meeting with him the 14th of March, did you not?

Mr. DEAN. That is correct.

Senator GURNEY. I mean, the 15th.

Mr. DEAN. On the 15th after the press conference I met with him, yes.

Senator GURNEY. What did you discuss?

Mr. DEAN. The President, after the press conference, called Dick Moore and I over to his office and I can recall very vividly that the President was very relaxed, he completed the press conference, and he was—his initial comment to both Moore and I was he was surprised that after having made a rather historic announcement about the opening up of liaison offices with Peking and the announcement of the appointment of Ambassador Bruce to fill that post, that the first question that the press had asked after he had read this announcement was whether or not Dean would appear before the Senate Judiciary Committee in the Gray hearings.

From there the discussion became rather rambling. It was the President's recollection of his handling of the *Hiss* case, Mr. Moore's recollection of how the President had handled the *Hiss* case, and it was what I would call more of a social conversation than a working conversation.

Senator GURNEY. Then, you did not discuss anything about Watergate at that meeting?

Mr. DEAN. No, sir.

Senator GURNEY. All right. March 16. You had a meeting with him on March 16?

Mr. DEAN. On the 16th we discussed matters on how Mr. Ziegler should follow up on matters that had arisen during the press conference. I recall that one of the things the President had tried to accomplish—

Senator GURNEY. I am just trying to shorten it up. Did you discuss Watergate with him at all?

Mr. DEAN. Not specifically, no.

Senator GURNEY. All right. March 17. You had a meeting that day?

Mr. DEAN. March 17? Yes, that was St. Patrick's Day, and I recall the President had a green tie on [laughter] and sitting in the oval office.

Senator GURNEY. Well, that is probably true.

Mr. DEAN. He was very relaxed and he had his feet up on the desk and was very—the thing that stuck in my mind from that particular conversation was that he wondered if the Senate would bite the bait that he had put out at his press conference on litigating over the question of Dean and executive privilege because he was convinced if they did you would never see any of the White House staff before the Senate.

Senator GURNEY. Well, if he was all that relaxed, I guess you didn't discuss Watergate. Is that a fair thing to say?

Mr. DEAN. I think that is correct, yes. Other than as I say we were just following a consistent theme that had been developed at La Costa regarding dealing with Watergate issues, he was continuing during these meetings where I referred to Gray discussing the fact that he was very distressed that Gray was turning over FBI files that related to Watergate.

Senator GURNEY. Well now, what about March 19, there was a meeting with him then, as a matter of fact, two meetings. Did you discuss Watergate on those meetings? I am not sure of whether there were two or not, were there one or two, do you recall? It looks like two on this log.

Mr. DEAN. Well, what happened on that, as I recall, I don't know what records you are reading from.

Senator GURNEY. I am reading from a White House log which was furnished the committee.

Mr. DEAN. All right. Now what I recall there is I came to the President's office and he wanted to discuss, it was a discussion of the media problems related to the Gray hearings, and some of the postures he had taken on executive privilege and as the conversation proceeded I realized it was a media-type area he was getting into.

Senator GURNEY. Again if I can help shorten it, that is what it says here, too, that you discussed these judiciary problems.

Mr. DEAN. That is right.

Senator GURNEY. You did not discuss Watergate?

Mr. DEAN. No, and the reason—I don't know, the meeting was interrupted when I had suggested that Dick Moore come down and join the discussion, and the President indeed called for Dick Moore and Dick Moore came in to the meeting.

Senator GURNEY. Now what about March 20 here, there were one, two—no, three phone calls at one meeting as I see it here. Do you recall what they were about?

Mr. DEAN. Yes, I do. On the 20th—the preceding evening, on March 19, we had discussed the matter of the fact that a number of charges were being made that related to my involvement in the Watergate that were coming out of the Senate confirmation hearings of Mr. Gray, and we discussed whether I was—I was very anxious to send written interrogatories as we had offered the committee at that time.

Senator GURNEY. But those discussions were about the 302 files, I think, and the Segretti letter probably.

Mr. DEAN. What happened as I recall, Senator Ervin had been on nationwide television the preceding Sunday, on Meet the Press or Face the Nation, and had made some statements about sending the Sergeant at Arms down to arrest people at the White House, and there had also been questions that had been raised regarding the reason that principal interrogatories would not be sufficient because you could not cross-examine a written interrogatory. I think that everybody at the White House agreed that you can't cross-examine a written interrogatory.

Senator GURNEY. I might say the chairman of our committee was very persuasive and effective on that he convinced everybody that you could not.

Mr. DEAN. Well, the White House realized he had a very convincing point, I will assure you.

Senator GURNEY. Well, again, if we can shorten it, except for matters like that the Watergate coverup was not discussed; is that a fact?

Mr. DEAN. Well, now, there was an effort in those meetings to get a draft letter up where Dean could explain some of this. This wasn't what I would call baring all the facts of the Watergate and how I was going to answer that letter. I submitted a copy of the draft of the response which you have as an exhibit before the committee.

Senator GURNEY. Well, now—

Mr. DEAN. Then on the 20th, of course, I had a call that evening from the President and we were talking further about some of the things we talked about during the day, and it was at the tail end of the conversation that I said to the President, "I would like to meet with you the next day to give you a report on some of the implications of the Watergate."

Senator GURNEY. Well, thank you, Mr. Dean; I am sorry we took so long to get through there but I was trying, as I am sure you understand, to do a rundown of the actual discussions, direct discussions with the President—

Mr. DEAN. Mr. Gurney, I might say this—

Senator GURNEY [continuing]. On Watergate.

Mr. DEAN [continuing]. That just, I know that every time I entered the oval office I appreciated the enormity of dealing with the President of the United States, at no time did I ever feel I withheld anything from the President, and I think anyone who went in there and is asked any question by the President does not withhold anything, just as when I am saying something about the President I realize the enormity of that also, and I wouldn't lightly or in any way intentionally say anything that I did not know to be the facts as I knew them in my mind.

Senator GURNEY. Well, in summary, let me simply state my understanding of what we found out here: I understand it is your own testimony that you did not think the President had anything to do with the planning of the Watergate break-in or the break-in; is that a fact?

Mr. DEAN. I have no knowledge of that at all, sir.

Senator GURNEY. Then. I think it is also true, at least according to my understanding, that during the rest of the year 1972 between June 16 or was it the 17th, the 17th, the day of the break-in, except for a meeting on September 15, even you have not testified to any discussions with the President about Watergate. Isn't that correct?

Mr. DEAN. Well, sir, at the meeting on the 15th, Senator, we got discussing some very narrow semantic—

Senator GURNEY. I understand, but what I say, except for that meeting; isn't that correct?

Mr. DEAN. That is correct.

Senator GURNEY. And, of course, it is understandable here that you and I have different interpretations of that. Your interpretation is that when the President said to you, "Bob tells me you have done a good job," you interpret that as meaning he knew all that you had been doing on Watergate and I simply say that the interpretation can be assessed to that that he was talking about the investigation you were doing in connection with the FBI.

Mr. DEAN. I would call the Senator's attention to the other phase of the conversation when I told him that I didn't think that this thing could go on indefinitely and at some point in time it would likely unravel.

Senator GURNEY. I understand, and the records show that and the facts show that.

Mr. Dean, I am simply saying you and I have a different opinion on that point.

Now, then we come to the year 1973 and from what I have been able to gather in the questioning I have just finished your testimony is that on February 28 you did discuss this matter of obstruction of justice and then you also testified to what you did here on March 13, and then, of course, we come to the meeting on March 21 when you told him most of what Watergate was all about. And the summary that I can see from the testimony, the President of the United States certainly didn't know anything about all this business, to this one Senator, until this thing on February 28, according to your testimony, and on March 13 but especially, of course, the meeting on March 21 where you did discuss with him at great length the Watergate and he at a later press conference said that he learned about it on that date.

Thank you for your patience, and, Mr. Chairman, especially I thank you for your patience and the rest of the members of the committee. I am sorry I have taken so long.

Mr. DEAN. I thank the Senator for his questions. I think they were very good.

Senator ERVIN. I want to thank the Senator for his examination of the witness.

We will take a recess for a vote and come back after the vote.

[Recess.]

Senator ERVIN. The committee will come to order.

Mr. DASH. Mr. Chairman, Senator Inouye, prior to asking his questions, has asked me to have cleared up by Mr. Dean some more identification of the materials which he has submitted to us which we have just received back from the Xerox machine. This is the second batch.

What I would like to do, Mr. Dean, if I could give you this batch of questions which are in approximately the order you gave them, and if you could go through them to the extent you can, identify the source of each one if you can. Some of them, for instance, are a list of names without any letterhead or any indication. Who drew up the list of names? There is no indication as to whether or not the memorandum was attached. The way they presently appear, the identification of each of these documents is obscure, and I think for our purposes, if we use them for the committee's work, it would be important if you looked at them and to the best of your recollection, tell us what each list is and who drew it up and who received it, to the best of your recollection.

Mr. DEAN. Are we working from the same stack, the same order I have?

Mr. DASH. If you could identify for the record from what you are reading, not read the entire record.

Mr. DEAN. I have the first document from Gordon Strachan to John Dean, dated September 17.<sup>1</sup> And the source of this list is Mr. Strachan and sent to me. I do not know where he got the list.

The next document I have is a memorandum dated October 26 from Mr. Strachan to me, subject, "Political Enemies."<sup>2</sup>

Mr. DASH. Mr. Dean, is the prior list also supposed to be included in political enemies?

Mr. DEAN. Yes, sir, it was.

Mr. DASH. Could you identify it? If you already have, all right. But when you speak of the list, if it is a contributors' list, identify it as such; and if it is supposed to be an opponents list, an enemy's list, would you please characterize it?

Mr. DEAN. The list I have—the first list I was referring to has a reference on the cover note that came to me: "The attached should be of interest to you and the political enemies project." Attached to it is a partial list of fat cats attending a Muskie fundraiser.

The next document, the memorandum of October 26 from Mr. Strachan to me, subject "Political Enemies," indicates that Mr. Nofziger sent the attached information on Chet Huntley to Mr. Halde-  
man. "Since you have the action on the political enemies project, would you make your determination of what should happen, advise Nofziger and mention your decision to me."

<sup>1</sup> Previously entered into the record as exhibit 52.

<sup>2</sup> Previously entered into the record as exhibit 53.

Attached to that is a memorandum from Nofziger to Haldeman re Chet Huntley. I think that the notations on there, which are mine, are self-evident.

The next document I have is a list of the McGovern campaign staff.<sup>1</sup> This list was prepared by Mr. Murray Chotiner and sent to me. Mr. Chotiner had some discussions with Mr. Ehrlichman about this, and he was to prepare a list and send it over to me pursuant to some instructions and directions he had from Mr. Ehrlichman.

Mr. DASH. Now, do you characterize that list as a so-called enemies list or a campaign contributors' list?

Mr. DEAN. This was to go into the general enemies project, which I might add at this point generally went into the file, where it remained.

The next document, dated November 5, 1971, is a memorandum from Gordon Strachan to me regarding J. Irwin Miller.<sup>2</sup> It notes that "You will probably notice in this morning's news summary that J. Irwin Miller, who is still giving money to Democrat John Lindsay, though he states he will support R. N., is also a backer of Lugar. I trust that you will use this information as you see fit in the enemies project."

Attached is the news summary of that day.

The next document I have starts "Politicos continued." This is a document that came out of Mr. Colson's office to me.

Mr. DASH. What is that? Have you identified that document?

Mr. DEAN. Yes, I have.

Mr. DASH. Is that also an enemies document?

Mr. DEAN. That is correct. That was a part—this is one of the updates. I am sure there was a cover memorandum or probably it is in my files somewhere in the White House that this was related to.

[The document referred to was marked exhibit No. 60.<sup>3</sup>]

The next document is dated November 11. It is a memorandum from a member of Mr. Colson's staff. The subject is "Opponents' List," and it has, it is directed to Marge Acker, Pat Buchanan, John Dean, Dan Kingsley, Larry Higby, Gordon Strachan, Van Shumway, Gerry Warren, and Lucy Winchester. Connected to that is a similar list with more additional names, these all coming from Mr. Colson's office. And there is a third document, dated June 2, of the same nature.

Mr. DASH. The same origin?

Mr. DEAN. That is correct. There is a duplicate document of the same nature.

[The document referred to was marked exhibit No. 61.<sup>4</sup>]

Another one dated May 16, the same origin. As I say, this list was continually being updated, and the file was several inches thick.

[The document referred to was marked exhibit No. 62.<sup>5</sup>]

The next document is a memorandum of September 14, 1971, from me to Mr. Higby, indicating a list of names that he had requested, as well as additional materials containing other names. I might as well read the memorandum:<sup>6</sup>

<sup>1</sup> Previously entered into the record as exhibit 56.

<sup>2</sup> Previously entered into the record as exhibit 54.

<sup>3</sup> See p. 1713.

<sup>4</sup> See p. 1725.

<sup>5</sup> See p. 1728.

<sup>6</sup> Previously entered into the record as exhibit 50.

The list I have prepared is merely suggestive; it is based on conversations I had with others regarding persons who have both the desire and capability of harming us. The list is limited to less than 20 persons, as it would be most difficult to proceed with more at this time. I would hope we would continue to feed additional names into the process every few months, but we must keep this project within reasonable bounds. I will await the review of these names as I feel certain there will probably be additions and deletions from the list. Before I take any action, please keep the list at at least 20 or less.

Attached is a list that was prepared based on a document that Mr. Colson had gone through and picked out some 20 key names.

The next document is a page of a news summary.<sup>1</sup> I don't know the date of the news summary. It has a notation on the top, "Dean/L."

Mr. DASH. When you say news summary—

Mr. DEAN. This is the daily news summary that is prepared for the President and distributed to various members of the White House staff.

The "Dean/L" indicates that it was to me from Mr. Higby and he has encircled DNC Treasurer Robert Strauss, with a note, "Is he on our list? Or should he be?"

Mr. DASH. Did you respond to that?

Mr. DEAN. No, sir; I did not. As I say, most of these merely went into a file in my office, where I just gathered them.

The next document I have is a document entitled "Corporate Executives Committee for Peace, Trip to Washington, June 25, 1970," with a list of names. This was another document that was sent as a part of one of the continuing updates.

[The document referred to was marked exhibit No. 63.<sup>2</sup>]

Mr. DASH. What is the source of that document?

Mr. DEAN. That would have been from Mr. Colson's office. The next document is entitled "Democratic Contributors of \$25,000 or More in the 1968 Campaigns"—from June 20, 1971, New York Times story—with certain names checked on the list. This is a document that came, again, from Mr. Colson's staff.

[The document referred to was marked exhibit No. 64.<sup>3</sup>]

Next is a series of documents that relate to Muskie contributors. Part of it is cut off on the top here in the xerography process and this document was forwarded to me from Mr. Colson's office also.

[The document referred to was marked exhibit No. 65.<sup>4</sup>]

The next document<sup>5</sup> begins—it is a blank sheet of paper, which is a briefing paper that I was requested to prepare for Mr. Haldeman so that he could deal with the Secretary of the Treasury with regard to making the Internal Revenue Service politically responsive to the White House.

This document was prepared—the top document was prepared by myself; the attached document was prepared by Mr. Caulfield based on conversations he had had with individuals in the Treasury Department, as well as the last document was prepared by Mr. Caulfield as a result of conversations he had with people in the Treasury Department and in the Internal Revenue Service.

Mr. DASH. That was prepared by you with Mr. Caulfield's assistance to be delivered to Mr. Haldeman?

Mr. DEAN. That is correct.

<sup>1</sup> Previously entered into the record as exhibit 51.

<sup>2</sup> See p. 1730.

<sup>3</sup> See p. 1733.

<sup>4</sup> See p. 1734.

<sup>5</sup> Previously entered into the record as exhibit 44.



Mr. DASH. Was it delivered to Mr. Haldeman?

Mr. DEAN. Yes, it was.

The last document for identification is a memorandum dated August 16, 1971.<sup>1</sup> It was a draft in my files in which I was asked to prepare a strategy for dealing with political enemies that involved the entire White House staff, and it was sent forward, to the best of my recollection, to Mr. Haldeman and Mr. Ehrlichman for approval, disapproval, or comment.

Now, without going to my files in the White House, I can't tell you the disposition of this document.

Mr. DASH. But can you tell us whether or not that document was in fact sent forward?

Mr. DEAN. Either in this form or in some form where the names were typed on it.

Mr. DASH. Thank you, Mr. Dean.

Mr. DEAN. I just noticed there were two other documents attached to that.

On July 16, 1971, there is another update on the opponents list, adding a name. This again is from Mr. Colson's office.

Senator ERVIN. With Senator Inouye's indulgence, I am going to ask you one question about a paper that you identified in this connection called "Subject: Opponent Priority Activity,"<sup>2</sup> a three-page document, and see if you can give me the date of the origin of that.

Mr. DEAN. Senator, I am not sure which document you are referring to.

Senator ERVIN. It is one called, "Subject: Opponent Priority Activity," on the heading. It is three pages. You had it this morning.

Mr. DASH. I have that, Mr. Dean. I didn't forward that to you here. I can forward that to you now. The one I think you identified at the end of the morning session—one that had a memorandum of June 24 from Mr. Bell.

Mr. DEAN. Yes. I was forwarding that——

Senator ERVIN. I want to find out, on page 2, the name of Sterling Munro, Jr., Senator Jackson's AA. Do you have anything that indicates whether Mr. Munro was added on the list of opponents?

Mr. DEAN. No, I don't. This is one of the—I can only assume that this was around June 24 when the document was prepared by a member of Mr. Colson's staff and forwarded to my office as a part of this general list.

Senator ERVIN. That would be June 24, what year?

Mr. DEAN. That is 1971.

Senator ERVIN. Thank you.

Mr. DASH. Could I have the documents back, Mr. Dean?

Senator ERVIN. I can't forbear observing when I consider the list of opponents why the Democratic vote was so light in the general election.

Senator BAKER. Mr. Chairman.

Senator ERVIN. Yes, sir.

Senator BAKER. I really even in my wildest dreams would not think of trying to improve or embellish on your story but you told it better the first time when you leaned over to me and you said "I think I am

<sup>1</sup> Previously entered into the record as exhibit 48.

<sup>2</sup> Attachment to exhibit 49.

going to demand a recount," when you said "There are more enemies than we got votes." [Laughter.]

Senator ERVIN. Senator Inouye.

Senator INOUE. Mr. Chairman, the charges contained in Mr. Dean's testimony are extremely serious with potentially grave consequences. The President of the United States has been implicated, and because of the gravity of these charges, I believe that the witness, Mr. John Dean, should be subjected by this committee to the most intense interrogation to test his credibility.

It would appear to me that a most appropriate credibility test would be one prepared by the White House and as you, Mr. Chairman, know, the White House has prepared a memorandum and a set of questions for use by this committee. These questions should serve as a substitute, admittedly not the very best, but a substitute for cross-examination of Mr. Dean by the President of the United States.

Accordingly, I believe that it would be most appropriate to use these questions and to use the memorandum, and I am certain that all of us here will agree that the President is entitled to his day in court. So with that in mind I wish to proceed, sir.

I have here a letter dated June 27, 1973, from the White House, Washington. It reads as follows:

Dear Senator Inouye: We have noted your public expression of your willingness to use questions and a memorandum, previously furnished to the committee staff, in questioning Mr. Dean. We have today forwarded more up-to-date questions to both the majority counsel and minority counsel for the committee. However, in view of your interest in this material, we thought it would be appropriate to send these questions directly to you. There is also enclosed here-with a slightly revised draft and updated version of the memorandum previously furnished to the committee staff. Sincerely, J. Fred Buzhardt, Special Counsel to the President.

Mr. Chairman, I ask that this letter be made part of the record, sir.

Senator ERVIN. Without objection, it is so ordered. The letter will be marked with the appropriate exhibit number.

[The document referred to was marked exhibit No. 66.<sup>1</sup>]

Senator INOUE. Mr. Chairman, I also request that the memo and the questions previously furnished to staff be made part of the record at this point, sir.

Senator ERVIN. I would suggest that the memo, which is sort of an expanded version of the White House logs, should be followed by—this is a memorandum of counsel explaining the position of counsel in substance.

Senator INOUE. Yes.

Senator ERVIN. If there is no objection, it will be marked as an exhibit.

[The document referred to was marked exhibit No. 67.<sup>2</sup>]

Senator INOUE. Mr. Chairman, I will now proceed with the memo which was received this morning from the White House. It goes as follows:

It is a matter of record that John Dean knew of and participated in the planning that went into the break-in at Watergate, though the extent of his knowledge of that specific operation or of his approval of the plan ultimately adopted have not yet been established. There is no reason to doubt, however, that John Dean was the principal actor in the Watergate cover-up, and that while

<sup>1</sup> See p. 1754.

<sup>2</sup> See p. 1755.

other motivations may have played a part, he had a great interest in covering up for himself, pre-June 17.

Dean came to the White House from Justice from a background of working on problems of demonstrations and intelligence. Among those working under him at the White House were Tom Huston and Caulfield. Dean was involved in discussions in 1971 about the Sandwedge plan Caulfield proposed. Ehrlichman was told that the original authors of the \$1 million plan were Dean and Liddy.

If I may I would like to pause at this point. Would you care to comment, sir?

Mr. DEAN. Is that in question form?

Senator INOUE. This is a quotation from Mr. Ehrlichman.

Mr. DEAN. I have no recollection of advising Mr. Liddy of a \$1 million plan. In fact to the contrary. When operation Sandwedge was shelved, and I think I have in my testimony explained how that died a natural death, that the budget for that was set at \$500,000, and all that were involved in reviewing that document thought that was an excessive amount of money.

Senator INOUE. Well, I will continue to quote:

Whatever the fact about this, it is clear that Dean attended the meetings that led up to adoption of the Watergate plan. Dean introduced Mitchell (who had sponsored Dean for his White House position) to Liddy in November 1971.

Mr. DEAN. Senator, may I comment right there?

Senator INOUE. Please do so.

Mr. DEAN. I do not believe Mr. Mitchell sponsored me, to my knowledge, to my White House position. I first heard of the White House interest in me when Mr. Krogh came to me and said would I be interested in going to the White House and would John Mitchell let me come to the White House? I said I did not know but I thought somebody else ought to take it up with Mr. Mitchell rather than myself. So to the contrary, I do not believe Mr. Mitchell sponsored me to the White House. In fact, I recall some conversations when he counseled me against going to the White House.

Senator INOUE. I will continue:

Dean introduced Magruder to Liddy in December 1971 and suggested Liddy for the combined position of general counsel and chief of intelligence-gathering for CRP. He told Magruder that Mitchell had hired Liddy. Dean, Liddy, Mitchell and Magruder met to discuss intelligence plans of this kind on January 27, 1972, and on February 4. Dean was not present at the final meeting on March 30 when the \$250,000 plan was approved. It is not clear whether he was not there because he disapproved or simply because he was not in Key Biscayne or because he wanted to try to keep his own record clean.

Mr. DEAN. I might comment there, Senator. First of all, after I returned from the second meeting in Mr. Mitchell's office, and reported to Mr. Haldeman what had occurred and told him of my feelings about what was occurring, and that I wanted to have no part in it and told him I thought no one in the White House should have any part in it. He agreed and told me to have no part in it and I have no knowledge that there was going to be a meeting in Key Biscayne and did not learn about that meeting until long after June 17, 1972.

Senator INOUE [continues reading]:

He is reported as having said that he did not think it was appropriate for him to be in on these conversations. "He is also reported to have said at a meeting in Mitchell's office that we should not discuss this in front of Mitchell or in the Attorney General's office."

At some point during the spring Magruder phoned Dean and asked him to talk to Liddy to try to calm him down. At another point, Dean knowing that a bugging

operation was under serious consideration, called Magruder and referred to the importance of Liddy's intelligence activities.

Mr. DEAN. I would like to comment on that. I do not believe that is quite accurate, Senator. What happened is Mr. Strachan at the White House, called me, I believe I did receive a call from Mr. Magruder telling me that he had developed very strained relationship with Mr. Liddy. Like when Strachan called me because I believe he told me he had been talking with Mr. Liddy he said, "What should I do?" I said it sounds like a personality and a personnel problem and I suggested that he not bother Mr. Mitchell with it but rather take it to Mr. Mardian and let Mr. Mardian resolve any problem because they do need a general counsel over there.

Senator INOUE [continuing]:

This arose after an argument between Magruder and Liddy. Dean urged Magruder not to let personal animosity "get in the way of the project." Also in March 1973 Dean claimed to Haldeman that in the spring of 1972 he had told Haldeman that he had been to two meetings at which unacceptable and outlandish deals for intelligence gathering had been rejected by himself and by Mitchell and that he, Dean proposed not to attend any more such meetings. Haldeman has no personal recollection of Dean telling him about the meetings at the time but is "willing to accept that as a possibility."

Post June 17.

Mr. DEAN. If I might just comment there, following June 17 and the break-in the first time I had a discussion with Mr. Haldeman about these facts I had already reported them to Mr. Ehrlichman. He remembered perfectly well and very clearly the fact that I had come to him shortly after the second meeting.

Senator INOUE [continues reading]:

Whatever the facts may be on the matters that are uncertain in the spring of 1972 about Dean's knowledge or specific approval of the break-in, it must have been clear to Dean as a lawyer when he heard on June 17 of Watergate that he was in personal difficulty. The Watergate affair was too clearly the outgrowth of the discussions and plans he had been in on that he might well be regarded as a conspirator with regard to them. He must immediately have realized that his patron, Mitchell, would also be involved.

It appears that Ehrlichman called Dean on June 17 to advise him of the problem and to direct him to take charge of it for the White House. Even without an instruction this would have been his responsibility as counsel for the President, from the time of the occurrence and he was active in that role from the moment of his return to the city a day or two after the break-in. This is a statement from Mr. Ehrlichman's deposition.

On June 19, Dean met with Liddy, Mitchell, Strachan and Magruder and Sloan. Dean, Mitchell, and Magruder also met with LaRue and Mardian that evening at Mitchell's apartment. At these meetings the coverup plan was hatched. This is from the Magruder testimony. A series of meetings followed throughout the summer.

Mr. DEAN. Senator, I just might footnote as you go along. I believe that the policy regarding the coverup was set long before I returned from the Far East over the weekend of the break-in and when I came into the office and talked to Mr. Strachan I realized that the White House already decided initially that it was going to start destroying incriminating documents and certainly was not going to step forward as to what its knowledge of the matter was at that point in time.

Senator INOUE. If I may ask at this point, when you refer to the White House had decided, who do you mean by the White House?

Mr. DEAN. I am sorry, Senator, I did not hear you.

Senator INOUE. You have just testified that the White House had decided.

Mr. DEAN. Well, I mean by that that certainly Mr. Haldeman and Mr. Ehrlichman, because Mr. Haldeman had given specific instructions to Mr. Strachan to destroy the incriminating documents that were in his possession.

Senator INOUE. "At these meetings the coverup plan was hatched. A series of meetings followed throughout the summer. Dean and Mitchell were Magruder's principal contacts on the coverup. Dean was not merely one of the architects of the coverup plan. He was also its most active participant. Magruder correctly concluded that Dean 'was involved in all aspects of this coverup,' and this is from the Magruder testimony.

"It was Dean who suggested to Haldeman that the FBI was concerned that it might run into a CIA operation." This is from Mr. Haldeman. If you wish to comment I hope you will.

Mr. DEAN. Yes.

As you recall, when I testified I had been asked by Mr. Ehrlichman to stay abreast of what was happening in the Department of Justice. In my meeting with Mr. Gray, which I believe was on the 21st, Mr. Gray told me of the fact that they had uncovered banking transactions in Mr. Barker's account and were at that time looking for the Dahlberg check and the Mexican money and, indeed, I did report this back as the reporting channels had been developed to my superiors.

Senator INOUE. Were you truly concerned—

Senator ERVIN. Suppose you name the superiors you reported to?

Mr. DEAN. Mr. Haldeman and Mr. Ehrlichman.

Senator INOUE. Were you truly concerned that the CIA was in fact involved?

Mr. DEAN. I had no idea that the CIA was involved at that point in time.

Senator INOUE. Why did you suggest that the CIA might be involved?

Mr. DEAN. This, as I believe I testified, was not at this point in time but that was at a later date when I went over to Mr. Gray's again and he told me his theories of the case. I explained these to Mr. Haldeman and Mr. Ehrlichman that one of his theories was that the CIA was involved. I had no idea that Mr. Haldeman and Mr. Ehrlichman were going to meet with Mr. Helms, and General Walters, that was unknown to me until I subsequently was so informed by Mr. Ehrlichman but not as to the substance of the meeting they had held.

Senator INOUE. "It was Dean who suggested to General Walters on January 26 that CIA pay the Watergate defendants while in jail," and this is from the Walters memorandum for record June 28, 1972.

Mr. DEAN. I believe I have explained that, Senator, in that I reported also at one point in time to Mr. Mitchell and Mr. Mardian about the Gray theory. That theory prompted Mr. Mardian, as I recall, to suggest that the CIA might be of some assistance in providing us support and he also raised the question that the CIA might have a very proper reason to do so because of the fact that these were former CIA operatives.

Mr. Mitchell asked me to go back and explore this to Mr. Haldeman and Ehrlichman knowing very well that this isn't the sort of thing I could go to the CIA with.

I didn't talk to Mr. Haldeman about this, rather I talked to Mr. Ehrlichman about it and he told me indeed I should explore it. In fact, I said I didn't know anybody at the CIA.

He told me—I told him I didn't know Mr. Helms. He told me not to call Helms but to call General Walters, General Walters is a friend of the White House, and at that time alluded to the fact that he had already met with General Walters.

Senator INOUE. Did you, in fact, discuss this matter with General Walters?

Mr. DEAN. Yes, I did and I have so testified.

Senator INOUE. "It was Dean purportedly acting on behalf of Mitchell who came to Ehrlichman several weeks after the break-in to obtain approval for fund raising by Kalmbach for the arrested persons," and this is from Mr. Ehrlichman.

Mr. DEAN. It is correct that Mr. —after the fact that there could be no assistance from the CIA came out, and Haldeman and Ehrlichman agreed that they couldn't and I reported that back to Mr. Mitchell and Mr. Mardian, that the demands apparently had reached the point where they felt they had to do something to get some money and they had none themselves. I was asked again by Mr. Mitchell to go back and raise this with Mr. Haldeman and Ehrlichman. Mr. Mitchell told me that he believed that Mr. Ehrlichman particularly would have an interest in making sure that these men were taken care of, and it did not take me any persuading at all in this conversation with Mr. Haldeman and Ehrlichman to initiate Mr. Kalmbach, and obviously Mr. Kalmbach would not have acted on my instructions at all.

Senator INOUE. "It was Dean who reviewed the papers found in Hunt's safe and declared that they were 'politically sensitive' and should be given special treatment."

Mr. DEAN. I don't think there was any doubt about the political sensitivity. Mr. Ehrlichman, as you recall, on the 19th, there was a meeting in Mr. Ehrlichman's office late that evening. Mr. Colson is the one who had expressed anxiety over what might be in Mr. Hunt's safe. As I have also testified at a subsequent time I learned that apparently Mr. Colson and Mr. Hunt had talked about the fact that there were things in his safe that somebody at the White House should take possession of. It was during this meeting in Mr. Ehrlichman's office on the 19th that Mr. Ehrlichman said that I should report back to him the contents of the safe after he had directed Mr. Kehrli to have the safe opened.

Senator INOUE. What do you think Mr. Ehrlichman meant by "should be given special treatment"?

Mr. DEAN. Well, I don't know what Mr. Ehrlichman meant by it. I know that Mr. Ehrlichman, when I described the documents to him, realized their political sensitivity, and that they—he had originally told me when I reported what the documents were to shred them and it was subsequently he told me to "deep six" the briefcase and shred the documents and it was only after I had reached the conclusion in my own mind that I wasn't going to do that and I persuaded him that too many people had seen them, that that might be what he refers to as special treatment, they be given directly to Mr. Gray.

Senator ERVIN. We will take a recess for another vote.

[Recess.]

Senator ERVIN. The committee will resume.

Senator INOUE. If I may resume reading from the memo.

"It was Dean who sought out successfully to have the others omit his name from the list of those who attended meetings on the Liddy plans."

This is from the Magruder testimony.

Mr. DEAN. I would like to comment on that. The meeting in which this was discussed was called by Mr. Mitchell. I was departing a meeting in his office and he asked me if he could talk to me about these matters. He called Mr. Magruder into the same meeting. They asked me to review my recollection of the meetings. I told him what my recollection was and as I testified, Mr. Magruder asked me, "How do I handle this before the grand jury?"

I said, "Well, I don't know what occurred at the second meeting. I know there was some brief reference in the first meeting to the election laws and that would seem to me a way to explain my presence at the meetings."

Senator INOUE. "It was Dean who urged Hunt to leave the country two days after the burglary."

Mr. DEAN. I believe I testified to that. That occurred before the meeting commenced in Mr. Ehrlichman's office on the evening of the 19th, when Mr. Ehrlichman asked me where Hunt was. I said I had no idea. Mr. Colson was present also. He asked Mr. Colson a similar question and got a similar response.

At that point, Mr. Ehrlichman told me to call Liddy and tell Hunt to get out of the country, which I did.

After a subsequent discussion, I called back, after reraising the matter, thinking it was not something that the White House should be doing, and spoke again with Mr. Liddy and told him that my earlier conversation should be retracted.

Senator INOUE. Then it is your testimony that it was Mr. Ehrlichman who—

Mr. DEAN. That is correct.

Senator INOUE [continuing]. Proposed the idea?

Mr. DEAN. That is correct.

Senator INOUE. "It was Dean and Mitchell who prepared Magruder for his perjurious grand jury testimony."

Mr. DEAN. I can't speak about Mr. Mitchell's involvement. I know that Mr. Magruder came to my office shortly before he was to appear before the grand jury. As you will recall from my testimony, there were a series of events that preceded that relating to the fact that I had recommended that Magruder be removed or resign from the re-election committee because I thought he was going to have problems.

Simultaneously to that, there was a discussion developing which Mr. Haldeman and Mr. Ehrlichman were well aware of, that there was an effort to hold the case at Mr. Liddy.

Senator INOUE. Did you in fact counsel Mr. Magruder to commit perjury?

Mr. DEAN. I did. I did in this regard: I helped him prepare a statement that I knew was false.

Senator INOUE. "It was Dean who said of a memorandum Colson had prepared on August 29 stating the facts as he knew them, 'For God's sake, destroy the memo. It impeaches Magruder.'"

Mr. DEAN. I think the facts speak for themselves on that. I did not destroy the memorandum. In fact, I turned a copy over to this committee.

I think I have also explained in my testimony why I did not turn it over to the prosecutors.

Senator INOUE. "It was Dean who suggested that Sloan take the fifth amendment, though Sloan was innocent."

Mr. DEAN. It is correct; I did call Mr. Sloan's attorney before he was to appear in Florida before an unrelated matter down there. There had been a number of discussions within the White House about the fact that Mr. Sloan was going to testify about money that had come to the White House. He had sought meetings with a number of people in the White House. I was the only one who would talk with him. Technically, under the law, it appeared that he did have difficulties with some of the disbursements that had been made that occurred after April 7, which was the effective date of the new law. And I did call him and ask his attorney if he was prepared to take the fifth amendment and in doing that, suggesting that he might want to pursue that course. Because to me, the fifth amendment doesn't indicate innocence or guilt.

Senator INOUE. "It was Dean who was the agent in some of the money dealings with the arrested persons."

Mr. DEAN. Would you repeat that, please, Senator?

Senator INOUE. "It was Dean who was the agent in some of the money dealings with arrested persons."

Mr. DEAN. I never had any direct dealings with any of the arrested persons. I conveyed messages back of the pressure that was being placed, not only on the reelection committee but ultimately on the White House, particularly the one that came to my attention where a threat had been delivered directly to me of concern to Mr. Ehrlichman. I think I testified that Mr. Ehrlichman raised that immediately with Mr. Mitchell when Mr. Mitchell did attend a meeting in Mr. Ehrlichman's presence.

Senator INOUE. Did you have any dealings with arrested persons?

Mr. DEAN. Direct dealings? I had a telephone conversation, the telephone conversations I have discussed with Mr. Liddy, the meeting I had with Mr. Liddy. I have never met Mr. Hunt other than the one occasion I referred to, when he was in Mr. Colson's outer office in August of 1971, which is roughly the time I recall meeting him, after having seen him in there on a number of occasions. I have never met any other individuals.

Senator INOUE. Did you in fact discuss money with Mr. Liddy?

Mr. DEAN. Mr. Liddy at the time I called him—this was in January, I believe it was January 5 of this year. He had been trying to reach Mr. Krogh. He had received a letter from the Senate Commerce Committee investigators and they were seeking responses from Mr. Liddy regarding Mr. Krogh. Liddy called Krogh. Krogh did not take the call. That is one of the documents that was not submitted, which I have submitted to the committee, the gist of the call that was returned to Liddy.

I had a report subsequently that Mr. Liddy was rather miffed and a little outraged at the fact that he couldn't get hold of who he thought was a good and loyal friend, Mr. Krogh. Mr. Krogh asked me if I would personally do something about that.



That Saturday, I called Mr. Liddy just to tell, to convey to him the reasons that Mr. Krogh did not wish to speak with him, because he wanted to testify before the Senate Commerce Committee in connection with his confirmation hearing that he had not talked with Mr. Liddy.

So, I explained this to Mr. Liddy and during the course of that conversation, Mr. Liddy told me, he said he hoped that somebody would take care of the attorneys fees. I reported to Mr. Liddy that I would pass that message along.

Senator INOUE. "It was Dean who told Colson not to make a transcript of Colson's taped conversation with Hunt and said that he, Dean, would handle the matter."

This is a report from the Federal prosecutors, reported in the New York Times.

Mr. DEAN. That is not correct. To the contrary, I made a transcript of Mr. Colson's telephone conversation on a cassette tape shortly after Mr. Colson brought me his IBM tape of the conversation. I took a copy of that and played it for Mr. Haldeman and Mr. Ehrlichman at Camp David on November 15. Later that afternoon, after getting instructions that I should raise this with Mr. Mitchell, that he should take care of the problem for Mr. Haldeman and Mr. Ehrlichman, I took it to New York with me and played it for Mr. Mitchell as well. I got no instruction at that point in time from Mr. Mitchell.

Senator INOUE. Where is the tape?

Mr. DEAN. It has been turned over—the committee has a copy of the transcript of the conversation.

Senator INOUE. I do not know if they have the tape or not.

Mr. DASH. Senator Inouye, we do not have the tape. I am assuming the prosecutors have it. We have a transcript of the tape.

Senator INOUE. "Throughout all of this, Dean was perfectly situated to mastermind and to carry out a coverup since, as counsel to the President and the man in charge for the White House, he had full access to what was happening in the investigation. He sat in on FBI interviews with White House witnesses and received investigative reports. Dean and Ehrlichman met with Attorney General Kleindienst late in July. The Attorney General described the investigation and said that 'it did not appear that any White House people or any high-ranking committee people were involved in the preparation or planning or discussion of the break-in.'"

This is from Mr. Ehrlichman.

Mr. DEAN. Senator, if I just might add one point. I do not know if the committee has a copy of the cassette that I prepared based on Mr. Colson's tape. I do have that in my possession and will be happy to turn that over to the committee.

Mr. DASH. We do not have it.

Mr. DEAN. You do not have that?

All right.

On the other comment you made regarding the Attorney General's public statements, I never discussed with Mr. Kleindienst the coverup that was going on at the White House and the investigation I am sure he is referring to there was his own conclusion.

Senator INOUE. "History fails to record that at that moment, Dean corrected the Attorney General's erroneous impression by pointing out

that Mitchell, Magruder, and Dean had all been involved in planning of operations of which Watergate was an obvious derivative or that Strachan had knowledge of the fruits of this kind of operation, or that all of them were suborning perjury and otherwise seeking to conceal the facts."

Mr. DEAN. Senator, I would just like to make a general observation. This document has obviously been prepared by somebody who was not at the White House at the time this was all occurring. It sounds like they are putting it back together through newspaper accounts.

Senator INOUE. This is from the office of your successor, sir.

Mr. DEAN. I understand. And I don't believe my successor was there and didn't spend the nearly 3 years in the White House that I did.

Senator INOUE. "Dean's activity in the coverup also made him, perhaps unwittingly, the principal author of the political and constitutional crisis that Watergate now epitomizes. It would have been embarrassing for the President if the true facts had become known shortly after June 17th, but it is the kind of embarrassment that an immensely popular President could easily have weathered. The political problem has been magnified one thousandfold because the truth is coming to light so belatedly, because of insinuations that the White House was a party to the coverup, and above all, because the White House was led to say things about Watergate that have since been found to have been untrue. These added consequences were John Dean's doing."

Mr. DEAN. Well, Senator, I think that my testimony answers in great detail my dealings with Mr. Haldeman, Mr. Ehrlichman, and the President, and based on what I know, and knowing the position I held in the White House staff, there is no way conceivable that I could have done and conceived and implemented the plan that they are trying to suggest that I did.

Senator INOUE. "Dean was responsible within the White House for becoming apprised of what had happened. From June 17 on, Dean had periodic conversations with Ehrlichman 'about virtually every aspect of this case.'" This is from Mr. Ehrlichman.

"Dean reported also to Haldeman and to Ziegler, to whom he gave repeated assurances that he had made an 'intensive investigation' and had found no White House involvement." This is from Mr. Ziegler.

"Dean was 'the foundation of the proposition that the White House was not involved'" and this is from Ehrlichman.

Spring 1973. "With the election past and public interest in Watergate on the wane, Dean may have thought that this coverup had been a success, although he purported to continue an ongoing investigation."

Mr. DEAN. Senator, if I might interject, I don't know how quickly they are jumping from winter to spring, but I would draw to the attention of the committee and the Senator the La Costa meeting and the events that transpired there, which I believe are documented by materials prepared by Mr. Haldeman and Mr. Higby, his assistant, as well as subsequent materials that were prepared for the President, and I think these speak for themselves.

Senator INOUE. "At the same time, Dean was affecting a failing memory and talking to Magruder as if Dean did not recall the pre-Watergate planning meetings in which he had participated." This is from Magruder's testimony.

Mr. DEAN. We reviewed that earlier, and as I said, I did, when I was talking to Magruder, I was telling him I did not understand what had happened between February 4 and June 17 that resulted in that event occurring; that I never had hard evidence, I never knew for sure what the facts were, I didn't know how the plan had been approved; I didn't know how much White House pressure had been put on him; I didn't know for a fact if Mitchell had or had not approved it; I had never talked with Mr. Mitchell about it. I think that is what Mr. Magruder is referring to, or, as I said earlier, he may have confused later meetings when I came back from Camp David and I did indeed give him the impression that I could not remember what had happened, because I didn't want to get into any discussions about what had happened at that time.

Senator INOUE. Were you surprised when you heard of the June 17 break-in?

Mr. DEAN. Was I surprised?

Senator INOUE. Yes.

Mr. DEAN. As I told you, my immediate reaction was, after hearing the facts, that it was something that Mr. Colson had been involved in. I was more appalled than surprised.

Senator INOUE. Talking about the first time you heard of the break-in on the 17th, were you surprised?

Mr. DEAN. As I say, I learned it through a conversation that I had on the telephone with my assistant on the 18th, when I called after landing in San Francisco, his persuading me to come back. When I first heard of it, I can't say I was surprised to hear it, knowing what I knew had occurred in the White House in the past.

Senator INOUE. You had anticipated something like this?

Mr. DEAN. I hadn't anticipated anything like this, no. I can't say I anticipated it, but I can't say I was surprised to hear of it, because I was aware of the fact that there had been a past effort to accomplish a burglary on the Brookings Institute and I had also heard of the Ellsberg psychiatrist break-in by that time.

Senator INOUE. You were not surprised because you were an author of the plan?

Mr. DEAN. No, sir; that was not my immediate reaction. I didn't think the plan had been approved.

Senator INOUE. "In February, however, with the Ervin committee beginning its work, the President was again concerned that all of the available facts be made known. In the middle of February 1973, Dean and Richard Moore met with Ehrlichman and Haldeman at San Clemente. Dean was assigned to reduce to written form all of the detailed facts as they related both to the Committee To Re-Elect and the White House." This is from Mr. Ehrlichman.

Mr. DEAN. I received no such instruction when I was at La Costa to prepare any written report and have no knowledge of ever being given such an instruction.

Senator INOUE. This is also substantiated by Mr. Moore.

Mr. DEAN. I have no knowledge of that. There was, as I say, an earlier effort in December to prepare such a report and I have submitted that document to the committee. If there were discussions of preparing a written report, it was of the ilk of a report that was prepared in the December period, which I, for lack of a better term, call a fairy tale.

Senator INOUE. "Dean was pressed continually for that statement, particularly by Haldeman, but never produced it."

Mr. DEAN. Well, as I say, I recall, the only time I recall Mr. Haldeman and Mr. Ehrlichman pushing me and pressing me for a statement is when I was up at Camp David and not in that time frame.

Senator INOUE. "At this point, the Gray confirmation hearings were imminent and the Ervin hearings were on the horizon. The President, who had barely known Dean, determined that counsel to the President was the appropriate person with whom to work in formulating the President's position on executive privilege and similar legal issues in that these hearings in news conferences on March 2 and 15, at which they would arise, would present. Between February 27 and April 16, the President met with Dean and usually others, 21 or 22 times and there were 14 telephone conversations between March 10 and April 22."

Mr. DEAN. Senator, I will stand on my testimony with regard to those last few paragraphs you have read.

Senator INOUE. "It is probable that Dean helped induce the views on attorney-client privilege and on separation of powers that would have immunized Dean himself from having to testify under oath."

Mr. DEAN. I will comment on that to the effect that Mr.—or the President and I when we discussed the Dean appearance, I told him that if I go up there, I am going to testify. There is no way to go up. We had had countless occasions when the executive privilege issue had come up before, there was a parallel developing between the Gray hearings and the ITT hearings where Mr. Flanagan made an appearance before the Senate Judiciary Committee. This was quite evident. In my discussions with the President he made it clear to me he did not want Mr. Ehrlichman or Haldeman to appear and I told him the strongest case for executive privilege would rest on the counsel to the President and we did discuss that.

Senator INOUE. "During this period Dean was developing other problems. On March 10 there were press reports it was Dean who had recommended Liddy to the Committee to Re-Elect the President. On March 22, Pat Gray testified that Dean had lied to him during the course of the FBI investigation of Watergate. On March 23 McCord's letter to Judge Sirica was made public. The coverup was coming uncovered."

"During this period the point was frequently raised by various people, including primarily the President, that the 'whole story of the Watergate should be made public.' Dean's answer always was 'We cannot do it while the investigation is continuing.' There are conflicting versions of events and the rights of defendants might be prejudiced by the statement."

And this is from Mr. Haldeman.

Mr. DEAN. I think that relates back to a conversation that I had with Mr. Haldeman shortly after the election and before I prepared the—was requested to prepare a written version of the Dean report when he asked me for what the facts would entail. At that time I told him that I thought that the grand jury would be reconvened and I thought that they would undoubtedly get into obstruction of justice and I thought that those—that that investigation would come directly to the White House and that Haldeman, Ehrlichman, and Dean could be indicted, and he said to me, "I do not believe that is a very viable option."

Senator INOUE. "On March 20th the President indicated that he still did not have all the facts."

Mr. DEAN. What date was that, Senator?

Senator INOUE. March 20.

Mr. DEAN. The President did not state to me, on the 20th when I received a call from the President I told him at that time that I would like to meet with him the next morning, and I would like to tell him what I thought the implication of the situation was, what had really prompted me at that time was the new demand from Mr. Hunt that indeed, this thing was getting far out of hand, that the White House was now being directly subject to blackmail and I did not know how to handle it.

Senator INOUE. Is it your testimony that on March 20 the President did in fact have all the facts?

Mr. DEAN. I did not hear you, again, Senator, I am sorry.

Senator INOUE. Is it your testimony that on March 20 the President did not have all the facts?

Mr. DEAN. I do not know what the President knew on March 20. We had had conversations before that. We had conversations that I was personally engaged in on September 15 of the preceding year. We had had conversations in early February or late February in which I tried to start telling him some of my own involvement. We had also had a discussion on March 13 about the money demands that were being made. At that time he discussed the fact that a million dollars is no problem. He repeated it several times. I can very vividly recall that the way he sort of rolled his chair back from his desk and leaned over to Mr. Haldeman and said, "A million dollars is no problem," and then he came back and asked "Well, who is making these demands," and I said they are principally coming from Mr. Hunt and he got into the fact that Hunt had been given clemency and his conversation about his annoyance that he had also talked to Colson about this in addition to Ehrlichman, and the money matter was left very much hanging at that meeting. Nothing was resolved.

Senator INOUE. As the President's counsel, did you, in a very legal fashion, advise him of your meetings in February in the Attorney General's office?

Mr. DEAN. My channel of reporting was through Mr. Haldeman or Mr. Ehrlichman. At the completion of the second meeting I sought out an appointment with Mr. Haldeman. I recall——

Senator INOUE. In the subsequent meetings with the President did you clearly advise him of the break-in, your involvement and the cover-up, and your involvement?

Mr. DEAN. I certainly did on the 21st and I had attempted to do it earlier in February but he was not interested in it when I raised it, and the conversation got cut short. I told him I thought I had an obstruction-of-justice problem and gave him, started to give him the highlights. He did not want to pursue it further.

Senator INOUE. "In the preceding week Dean had begun to express to Richard Moore concern about Dean's own involvement. Referring to the meetings in Mitchell's office, the plumbers operation and the Ellsberg break-in and the demands by Hunt possibly on March 16 for more money."

Mr. DEAN. I did discuss with Mr. Moore the fact that, but that was not the first time I had discussed it with Mr. Moore. Mr. Moore and I had talked about this on many occasions, that I thought that the cover-up as harmful, bad, it had to stop at some point. We were searching for answers as to how to end it. We could not find an answer, and finally, at one point when I was having direct access to the President I thought, and discussed with Moore that I can do something to end it now and I will go in and tell the President what this is going to mean if it continues.

Senator INOUE. "After the two of them met with the President on March 20 Moore told Dean 'I do not think the President has any idea of the kind of things that you have told me about.' When Dean agreed that the President did not, Moore told Dean that it was his obligation to advise the President and lectured Dean on this subject."

Mr. DEAN. Well, Richard Moore to me is a wonderful man, and I often went to him for counsel. He is an older man, and I respected his judgment very much.

I believe I raised these things with Mr. Moore, I had raised them before and I told him what prompted my conversation that afternoon with Mr. Moore were the demands from Hunt and I wanted—by this time he was aware himself of the money demands because this had come up at La Costa when Mr. Ehrlichman had instructed Mr. Moore to go to New York and get Mr. Mitchell to take care of these problems. So for that reason I had never told Dick Moore everything I knew but I had given him enough knowledge so that he could see the breadth of the problem.

Senator INOUE. As the trusted aide and counsel to the President of the United States, did you not feel that it was your obligation and duty to as soon as possible advise him of the involvement in the Watergate break-in and the ensuing coverup?

Mr. DEAN. Well, Senator, I think I have expressed before to walk into the President's door is not the easiest thing to do. My channels of reporting was through Mr. Haldeman or Mr. Ehrlichman, principally through Mr. Haldeman.

Senator INOUE. Didn't the enormity of the problem compel you to walk into the President's office?

Mr. DEAN. Well, I can only assume that everything I told Mr. Haldeman and Ehrlichman would be going to the President also. As I have testified, on some occasions Mr. Haldeman would take notes about things I was telling him. He would take these notes shortly before he would go into meetings with the President. I can also recall occasions when we were meeting when a call would come from Mr. Haldeman to come to the President's office or once in Florida to come over to his residence and he would wait until I completed reporting. I assumed that everything I was telling Mr. Haldeman was going to the President.

Senator INOUE. When did you begin to mistrust Mr. Haldeman?

Mr. DEAN. I think that the first signal I got that Mr. Haldeman had decided that, you might say, I was off the reservation when I came back from Camp David.

Senator INOUE. What was the date, sir?

Mr. DEAN. That was the 28th. I think that was prompted by my attitude in a meeting with the President on the afternoon of the 21st.

when there was more discussion of different essentially coverup techniques without getting into great detail because I cannot recall in great detail, everything they were saying the President was asking me, do I agree and I was saying no, and finally, at one point in that meeting I said that, right in front of the President that, I felt that Dean, Haldeman, and Ehrlichman could be indicted for obstruction of justice and this has to be recognized. And I think as a result of that meeting they saw that I had begun to change my attitude about any further involvement in a coverup.

Senator INOUE. "On March 21 Dean gave the President a more complete, but still laundered version of the facts and so surprised the President that according to press accounts of what Dean is saying 'the President came out of his chair.'"

Mr. DEAN. I do not know where that press account came from. The President did not come out of his chair. I have never seen the President come out of his chair other than very easily and slowly at the time that he got up on April 15 to walk around to the corner of the EOB office and then raise something with me. The President of the United States does not come flying out of his chair.

Senator INOUE. "At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell."

Mr. DEAN. That is correct. As I have said before this committee I have never had a direct conversation with John Mitchell to ask him what his involvement was. On the 28th when I came down from Camp David after there was this discussion about whether I would be willing to perpetuate the story that there had been one meeting in Mitchell's office, there had been a discussion of the election laws and that that was the reason for my presence and it was to introduce Mr. Liddy, at the end of that discussion I said to Mr. Mitchell "I have never asked you of your involvement and I will not ask you of your involvement but I want to hypothesize what I see to be the situation," and I then gave them my hypothesis of the situation and, as a result of that hypothesis, Mr. Mitchell said "that is not far from accurate, but we thought it would be two or three times removed."

Senator INOUE. If you did not know about Mitchell why did you advise the President that Mr. Mitchell could be indicted?

Mr. DEAN. Because based on the information Mr. Magruder had given me, which was inferential and my general assumption of the fact, I was aware of the fact that he had received the information from the electronic surveillance.

Senator INOUE. Did you so advise the President?

Mr. DEAN. Did I so advise the President? I do not recall that I got into a detailed discussion. I was giving the President what I would say was a general overview and letting him come back and ask any specific questions he might wish to ask.

Senator INOUE. Do you not feel it was important enough to advise the President of the United States that his former Attorney General was involved and implicated?

Mr. DEAN. Well, I told him I thought he could be indicted but I told him I did not have the facts for certainty myself that he was indictable.

Senator INOUE. I thought you had just testified that Mr. Magruder, Mitchell, and Dean were indictable?

Mr. DEAN. No, no. You are talking about the meeting that occurred on the 21st?

Senator INOUE. The 21st of March, sir.

Mr. DEAN. That was in the afternoon after I had earlier met with the President and I said that Haldeman, Ehrlichman, and Dean were indictable for obstruction of justice.

Senator INOUE. "He mentioned the Ellsberg break-in and possibly a second-story job at the Brookings Institute. He told about the attempt by Hunt to blackmail Ehrlichman over the Ellsberg break-in. He suggested that Haldeman, Ehrlichman, and Dean might all have some problem about the financial transactions with the defendants but that he thought they were more technical and political than legal."

Mr. DEAN. I do recall saying that I thought that some of the obstruction problems were technical. I said some of them are more serious than others. As far as discussion of the Ellsberg burglary, Senator, I don't recall raising that at that point in time with the President as the reason for Mr. Hunt's threat. In fact I was—when I raised it with Mr. Ehrlichman as to what these seamy things were, Mr. Ehrlichman said, "Well, you know I just have no idea what he could be talking about."

And subsequently on the 28th or 29th when I talked to Mr. Krogh I was very curious myself to find out what it was, and that is when I asked Mr. Krogh if, in fact, Mr. Ehrlichman had authorized the burglary of the doctor's office and he had told me that he didn't think Mr. Ehrlichman knew in advance.

Senator INOUE. Didn't you believe that the offer of money for silence was a criminal offense?

Mr. DEAN. Yes, I did.

Senator INOUE. Why did you say that these problems were more technical and political than legal?

Mr. DEAN. That isn't the way I believe I cast it. When I said they were indictable I meant despite the degree of technicality as an indictment, I can't say I was a criminal lawyer but I did recognize an obstruction of justice.

Senator INOUE. "He gave no hint, however, of his orchestration of perjured testimony by Magruder and others. Ehrlichman suggested that everyone be made to appear before the grand jury and waive executive privilege."

Mr. DEAN. I have no recollection of that at all. To the contrary, when we met subsequently I kept shaking my head and saying, "No," Ehrlichman, Dean and Haldeman are indictable and the tone of the conversation was not going to come forward but rather to continue the coverup and I think the subsequent meetings on the 22d with Mr. Mitchell, if the President indeed had received the message I was trying to give certainly wouldn't have engaged in the conversation with Mr. Mitchell that afternoon which would leisurely discuss the status of this committee and the like.

Certainly nothing of any significance occurred at all after that 21st meeting.

Senator INOUE. "Dean thought this would be a good idea but only if the persons who appeared before the grand jury were given immunity."

Mr. DEAN. I don't recall that at all. I do recall general discussions that I thought that one of the best ways to get the truth out would be if people could receive immunity because I knew a lot of people would



be unwilling to talk or that their stories would be less than forthcoming if they felt they were going to incriminate themselves.

Senator INOUE. Should it be I do not recall or it did not happen?

Mr. DEAN. The reference to the discussion of immunity?

Senator INOUE. Yes.

It is very important. I note throughout your testimony your power of recollection is immense but oftentimes you have testified that you cannot recall.

Mr. DEAN. I am sorry, with regard to this——

Senator INOUE. Is there a possibility that it did happen?

Mr. DEAN. Yes, it is. I do not recall specifically, Senator.

Senator INOUE. "At another meeting that day Ehrlichman strongly opposed immunity."

Mr. DEAN. I never heard that.

Senator INOUE. This did not happen?

Mr. DEAN. Not to my knowledge.

Senator INOUE. "On March 23 Dean was sent to Camp David in order to complete the long-promised report. Dean was at Camp David for 6 days but came down on the night of the 28th and delivered nothing."

Mr. DEAN. That is correct, I delivered nothing because I had, as I have testified, had earlier conversations about my testimony. Every time I revealed the slightest inch of my knowledge, recollections began to change, characterizations began to change. I was asked to handle testimony in different ways. When I came down from Camp David there was no doubt in my mind that I wasn't going to play the coverup game and I wasn't going to give them any further information with which they could play the coverup game.

Senator INOUE. Were you in fact, Mr. Dean, preparing your own testimony?

Mr. DEAN. I was going through and recalling everything I could remember about the incidents. I had been asked to do that, and if the President had called and asked me for that report——

Senator INOUE. Did you spend the 6 days preparing testimony for your own use?

Mr. DEAN. Let me complete, Senator. If the President called me and asked me for that report, I would have sent it to the President of the United States. There is no doubt about that. That isn't who was calling and asking me for it. It was Mr. Ehrlichman who was calling me from California, he wanted any part I had of it, and based on the earlier conversations I had had I wasn't about to give it to Mr. Ehrlichman. So I can't say I was preparing my own testimony because I wasn't preparing my own testimony. I was trying to reconstruct, as I had been asked to do, what I remembered as to what had occurred.

Senator INOUE. You have testified on several occasions that you were concerned with the enormity of the problem. If it was so, why did you not on your own present to the President your written report?

Mr. DEAN. Well, I thought I had very clearly made the point to the President on the 21st. What I saw occurring after the 21st indicated to me that there was a certain degree of protection going on by Mr. Haldeman and Mr. Ehrlichman. I was never sure that if I had sent the report the President would ever see it for one thing.

Senator INOUE. As the President's counsel, and you were seeing the President quite often during those days, could you not have personally handed the report to him?

Mr. DEAN. The President was in California, Senator, at the time. He left shortly after I came down and I had this little round of activities with Mr. Haldeman and Mr. Mitchell and Mr. Magruder, and they were off to California.

Senator INOUE. "The failure of Dean's muse while he was on the mountain is understandable since by this time it would have been impossible to write a believable report that would not have been self-indicting. While he was at Camp David, Dean told Ehrlichman's assistant that he was not getting the statement done but was planning his own defense." And this is from Mr. Ehrlichman.

Mr. DEAN. That is not true, Senator.

Senator INOUE. "Haldeman talked with him several times and felt that 'Dean was not having much progress in writing his report but it became clear that he was worrying more about himself.'" This is from Haldeman.

Mr. DEAN. Well, as I say when I came down from Camp David, I don't think it was a question of worrying about myself as what I was witnessing was Mr. Haldeman and then subsequently Mr. Ehrlichman becoming very concerned about themselves.

Senator INOUE. "On the 25th the President suggested it be announced that Dean would appear before the grand jury."

Mr. DEAN. On what date?

Senator INOUE. On March 25.

Mr. DEAN. On March 25 I was at Camp David. The President was in Florida. That was a Sunday, as I recall, and I recall no conversation with the President. I have no knowledge of that at all. That is a new one to me.

Senator INOUE. "On the 26th Dean agreed but said he would do so only if given immunity."

Mr. DEAN. No, sir, I had no conversations with anybody. They were in Florida at that time. The discussion that morning, if you will recall, was that the President came out with a statement that he warmly endorsed me, he expressed new confidence or renewed confidence in me, that he had allegedly spoken directly with me, and had no concern at all about my prior knowledge of this matter and I do not recall any statement about going before the grand jury being issued when he was giving me this very warm embrace.

Senator INOUE. "On March 30, the President relieved Dean of any further responsibility for the Watergate investigation. He called Ehrlichman in, told him that it was evident to the President that 'Dean was in the thing up to his eyebrows', and assigned Ehrlichman to look into Watergate."

This is from Mr. Ehrlichman.

"The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him 'a growing awareness of Dean's personal involvement in this.' Relieved of his Watergate duties by the President and aware that"—

Mr. DEAN. Senator, I might just note at this point and call it to the attention of the record, that Mr. Ehrlichman also resigned from the White House on the same day that my resignation was requested, and Mr. Haldeman as well.

Senator INOUE. "Relieved of his Watergate duties by the President and aware that his own complicity had become obvious, Dean decided to strike out on his own to hunt for immunity for the long list of

wrongs he had committed. According to the President, it was April 2 when he first established contact with the prosecutors and attempted to bargain for immunity. While he carried on these negotiations, Ehrlichman completed his report and advised the President on April 14 that Mitchell, Magruder, and Dean were all involved."

Mr. DEAN. I would like to comment on that. As I have testified, Mr. Ehrlichman told me after he had returned from San Clemente back to Washington, I met with him on the afternoon, late afternoon of the 8th and had periodic meetings with him during the week of the 8th to the 14th. It was on the 14th that he told me that he had talked with Kleindienst and that the grand jury was doing nothing. He was particularly asking me when I was likely to appear before the grand jury. I was already, per the instructions of my own counsel, limiting conversations with Mr. Haldeman and Mr. Ehrlichman about testimonial areas. But it was that day that I drew up the list which I wanted to get the message very clear to Mr. Haldeman and Mr. Ehrlichman that they had very serious problems. It was on the, as a result of that list that the Attorney General suddenly received a call, because I informed him that my counsel had been in direct communication with the prosecutors and the prosecutors had indicated that indeed, Mr. Haldeman and Mr. Ehrlichman were potential targets of the grand jury. At 1 o'clock that night, I realized that they had gotten the Attorney General late at night to get a briefing from the prosecutors, and that is when things really started moving. That is when the activities began to occur.

Senator INOUE. "On the 16th, Dean was asked by the President to resign, but refused to do so. On the 30th, he was dismissed. His increasingly shrill efforts since that date to save himself by striking out recklessly at others are too familiar and too painful to require mention."

This ends the memorandum.

Mr. DEAN. I would only add to that, Senator, that I think that if anyone has been on the receiving end of adverse publicity, it has been this witness and not any of the other witnesses and I have not dealt in personalities, nor will I deal in personalities at any time during these hearings.

Senator INOUE. Mr. Chairman, that ends the memorandum. I have several questions which were submitted by the office of the counsel for the President, with a closing statement. Knowing the lateness of the time, may I request that I be permitted to continue the interrogation tomorrow, sir?

Senator ERVIN. Yes. I think the Chair should state, however, for the information of all concerned, that the article which you have been reading to the witness and the witness has been testifying about is an article which the committee has received from Mr. Fred Buzhardt, counsel to the President.

Mr. DEAN. I understand.

Senator ERVIN. And not the testimony of a witness.

Senator MONTOYA. Mr. Chairman, I would like to ask—

Mr. DEAN. Excuse me. May, before we leave Senator Inouye, may I just add one point? One thing missing in that description of the sequence of events is the fact that I, on the 15th, was asked by Mr. Ehrlichman to come in—

Mr. DASH. What month?

Mr. DEAN. April of this year, the 15th of April of this year, was asked to come in and see him. I did not want to visit with him. That is when I sent a message to the President requesting I meet with him. I did meet with him that night, on April 15, and that meeting is described, of course, fully in my testimony.

Senator MONTYA. Mr. Chairman, in view of the observations made in the memorandum submitted by the White House with the list of questions, and in view of the fact that the authorship of the memorandum is attributed to a Mr. Fred Buzhardt, I would like to request the committee that the chairman, in behalf of the committee, issue a subpoena to Mr. Buzhardt so that he can inform the committee as to the source of observations which led him to some of the conclusions in the memorandum.

Senator ERVIN. My understanding is that Mr. Buzhardt is the counsel and I don't believe he claims to have any personal knowledge of any of these matters.

In a great many instances, he cited depositions or statements of others. The Chair will take that under advisement and rule on it later.

Senator BAKER. Mr. Chairman, before we conclude, would it be in order for me to ask, in view of the rather extended testimony that Mr. Dean has now given us and now the certainty that his testimony will continue until tomorrow, what plans the chairman might have for the remaining schedule for the committee this week and thereafter?

Senator ERVIN. Well, it is apparent that we will not finish with the witness until sometime tomorrow at the most optimistic period. The next witness who has been tentatively scheduled for hearing was former Attorney General John Mitchell, and I do not believe that we could finish with Mr. Mitchell within the time allotted for meetings this week. I think it would be unjust to the committee and the public and to Mr. Mitchell to have his testimony split between this week and the next session by the 10-day period. I have talked to most of the members of the committee and they feel that under these circumstances, we ought to complete the testimony of Mr. Dean and then recess until after the week of July 4.

Senator BAKER. Mr. Chairman, I entirely agree with that.

Senator ERVIN. In deference to the request made by Senator Montoya, I would like to ask the staff to address a request to Mr. Buzhardt as to whether he is able to testify from his personal knowledge to any of the matters set forth in the statement. If he says he can, that he has personal knowledge of the matters, then we can subpoena him. If he says he has not, then we can discuss it.

Senator BAKER. In order to make sure I understand the schedule outlined—by the way, I do entirely concur with it and I cannot speak for the members of the committee, but I understand they are in agreement with that, but it is my understanding that we will finish with the testimony of Mr. Dean on tomorrow or Friday, as the case may be. But if we do conclude with Mr. Dean's testimony tomorrow, the committee will stand in recess at the close of business tomorrow instead of Friday, until we reconvene again on Tuesday, July 10.

Senator ERVIN. Yes.

Senator BAKER. Thank you, sir.

Senator ERVIN. The committee will stand in recess until 10 o'clock in the morning.

[Whereupon, at 5:50 p.m., the hearing was recessed, to reconvene at 10 a.m., Thursday, June 28, 1973.]

THURSDAY, JUNE 28, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Michael Flanagan, assistant publications clerk.

Senator ERVIN. You may proceed.

Senator INOUE. Thank you, Mr. Chairman.

Mr. Chairman, before proceeding I would like to advise the committee that we have had a bit of confusion here. Statements attributed to the press office of the White House indicated last evening that the memo which I presented to the committee might not have been an official document of the White House. However, about 15 minutes ago I had a personal chat with Mr. Fred Buzhardt, I believe, is that the way you pronounce his name?

Mr. DEAN. Buzhardt.

Senator INOUE. Buzhardt, and he indicated to me that these questions were in fact prepared by his office, and he was desirous that I would use them in my interrogation of you, sir.

Mr. Dean, before proceeding may I ask one question. We have been advised that these questions have appeared in the New York Times, have you seen those questions?

TESTIMONY OF JOHN W. DEAN III—Resumed

Mr. DEAN. No, I have not.

Senator INOUE. With that Mr. Chairman, I wish to now proceed with the questions which were prepared by the Office of the Special Counsel to the President of the United States, J. Fred Buzhardt.

Mr. SHAFFER. Mr. Inouye, I would like to advise the committee that I have seen the New York Times this morning, that I didn't see the questions. I looked at some photographs in the Times, and that I haven't discussed the contents of the Times with my client and I would like to make that statement in behalf of Mr. McCandless, and if you would like to put us under oath we are both willing to be sworn.

Senator INOUE. Mr. Chairman, I don't think that is necessary, sir.

Senator ERVIN. You know, my experience around Washington is that if several people get hold of a document, that the thing will more than likely appear in the morning paper—if not be telecast that night. [Laughter.]

I think that the protection of information around Washington is about as much as the protection which a sieve affords to the passage of water. You may proceed.

Senator INOUE. Thank you, Mr. Chairman.

Mr. Dean, you quote the President as saying on February 27 that Haldeman and Ehrlichman were principals in the Watergate matter and that therefore you could be more objective.

What did you understand by this?

Mr. DEAN. Frankly, Senator, I never understood what the President was saying when he said that they were principals. Before he said that he told me that the involvement of their time in dealing with Watergate matters was taking them away from their other duties and then he also added to me that they were principals in this matter and, therefore, that he thought I could be very objective in it, and that was what subsequently prompted me the next day later to make sure he understood that I felt I was also a principal.

Senator INOUE. Mr. Dean, did you have any evidence then or now that Mr. Ehrlichman had prior knowledge of the break-in?

Mr. DEAN. That he had prior knowledge?

Senator INOUE. Yes, sir.

Mr. DEAN. No, I did not or I do not now.

Senator INOUE. The second question: Mr. Dean, if the President was referring to the post-June 17 events were you not equally a "principal" as you claim to have indicated to the President on September 15?

Mr. DEAN. Well, as I just mentioned in answering the last question when the President raised this it stuck in my mind, and I returned the next day and after thinking about what he had said, and told him that I also felt I was a principal and that he should understand that.

And then began to explain to him why I felt I was involved in obstruction of justice and he assured—he said, "You don't have any legal problem in this matter," and the discussion was terminated.

Senator INOUE. Your 245-page statement is remarkable for the detail with which it recounts events and conversations occurring over a period of many months. It is particularly remarkable in view of the fact that you indicated that it was prepared without benefit of note or daily diary.

Would you describe what documents were available to you in addition to those which have been identified as exhibits.

Mr. DEAN. What I did in preparing this statement, I had kept a newspaper clipping file from roughly June 17 up until about the time these hearings started when I stopped doing any clipping with any

regularity. It was by going through every single newspaper article outlining what had happened and then placing myself in what I had done in a given sequence of time, I was aware of all of the principal activities I had been involved in, the dealings I had had with others in relationship to these activities. Many times things were in response to press activities or press stories that would result in further activities. I had a good memory of most of the highlights of things that had occurred, and it was through this process, and being extremely careful in my recollection, particularly of the meetings with the President.

Before I did leave the White House while I was initially, well, I was ultimately denied access to the logs; I called the man who was in charge of keeping the logs and asked him if he could give me a list of all my meetings with the President. He did so on an informal basis before he realized that—when I sent a formal memorandum asking for more information and a formal confirmation, then they denied me that information when I sent the formal memorandum.

Senator INOUE. Are you suggesting that your testimony was primarily based upon press accounts?

Mr. DEAN. No sir, I am saying that I used the press accounts as one of the means to trigger my recollection of what had occurred during given periods of time.

Senator INOUE. Am I to gather from this that you had great faith in the reporting in the press?

Mr. DEAN. No, I am saying what was happening is that this sequentially, many times White House activities related to a response to a given press activity. I did not have the benefit, in fact the statement might even be more detailed, Senator, if I had had the benefit of all the Ziegler briefings where some of these questions came up very specifically in press briefings as to given events at that time but I didn't have the benefit of those.

Senator INOUE. In addition to your press clipping, the logs, what other sources did you use in the process of reconstruction?

Mr. DEAN. Well, Senator, I think I have a good memory. I think that anyone who recalls my student years knew that I was very fast at recalling information, retaining information. I was the type of student who didn't have to work very hard in school because I do have a memory that I think is good.

Senator INOUE. Have you always had—

Mr. DEAN. I might also add this: That I did have an opportunity to go through my daily chrono files which was another part of the process, plus while I was at Camp David I had sent for some files in preparation of the report I was writing up there so I did have some documentary materials many of which have been submitted to the committee, some of the exhibits that the committee has and from these I was very easy able to put in time sequence various specifics.

Senator INOUE. The next question, have you always had a facility for recalling the details of conversations which took place many months ago?

Mr. DEAN. I didn't hear you, Senator.

Senator INOUE. Have you always had a facility for recalling the details of conversations which took place many months ago?

Mr. DEAN. Well, I would like to start with the President of the United States. It was not a regular activity for me to go in and visit

with the President. For most Americans it is not a regular activity to go in and visit with the President. For most of the members of the White House staff it is not a daily activity. When you meet with the President of the United States, it is a very momentous occasion, and you tend to remember what the President of the United States says when you have a conversation with him.

With regard to others, some of the things, for example, the "deep six" conversation and shredding of documents was so vivid in my memory because of the circumstance that had occurred that it was very indelibly put in my mind. Going back even while I was at the Justice Department seeking the information on Mary Jo Kopechne, that is the sort of thing that would stick in a person's mind because of the nature of the sensitivity of the information being sought. So I would say I have an ability to recall not specific words necessarily but certainly the tenor of a conversation and the gist of a conversation.

I would like to give another example. I remember I referred at one point in one of the meetings I had with the President after he had, after Mr. Gray had, made the statement about, that he had jolly well proceeded with the investigation at the White House despite the fact that Mr. Dean had been sitting in on the investigations. I remember vividly when the President mimicked Mr. Gray in saying this and saying it was absurd. That sort of thing is very easy to remember and it sticks very clearly in one's mind.

Senator INOUE. Then why is it, Mr. Dean, that you were not able to recall precisely the account of the meeting of September 15, very likely the most important meeting in the year 1972?

Mr. DEAN. Well, I think I have recalled that meeting.

Senator INOUE. If I recall, in your colloquy with Senator Gurney, your response was "I had an impression."

Mr. DEAN. Well, we were talking about the one line out of the first part of the meeting. I would recall to the Senator that after I had had the conversation, after I was—I sat down, and the President told me that "Bob had said that you had done a good job," and then I turned on the fact of—I said that I could not take responsibility for this alone myself, I remember a sequence of events in the conversation ending up with something when we were discussing a book I was reading and I remember very vividly the book I was reading at the time we discussed it.

Senator INOUE. Is it your testimony that you cannot recall precisely what the President said to you?

Mr. DEAN. You mean, can I repeat the very words he used?

Senator INOUE. Yes.

Mr. DEAN. I cannot repeat the very words he used, no, sir. As I explained to Senator Gurney, my mind is not a tape recorder, but it certainly receives the message that is being given.

Senator INOUE. Did you take any notes of this meeting?

Mr. DEAN. Of the September 15 meeting?

Senator INOUE. Yes, sir.

Mr. DEAN. No, sir; and I did not take notes of other meetings for a very specific reason. I recall at one time Mr. Moore saying to me, John, you are having a lot of meetings with the President; you ought to be recording these. Some of the things that were being discussed in these meetings I did not want to make records of, Senator.



Senator INOUE. Why, sir?

Mr. DEAN. I thought they were very incriminating to the President of the United States.

Senator INOUE. Mr. Chairman, this is not part of the questioning, but could you advise this committee what sort of information you received?

Mr. DEAN. Well, I have recalled most of it in my testimony regarding the conversation on clemency for Mr. Hunt, the million dollar conversation, when the President told me that it would be no problem to raise \$1 million on the 13th. I did not think documents like this should be around the White House, because the White House had a similar problem as far as information getting out.

Senator INOUE. Did you discuss this September 15 meeting with anyone at that time or at any time since?

Mr. DEAN. I believe when I came out of the meeting, I told Mr. Fielding of my office that I had spent about 30 or 40 minutes with the President and Mr. Fielding did not have full knowledge of my activities at this time. But I told him that fact that the meeting had occurred and that the President seemed very pleased with the job that I had been doing thus far. I think Mr. Fielding probably had a general awareness about the specifics of the fact that I was involved in assisting with the coverup.

Senator INOUE. You have indicated in your testimony that you were certain after the September 15 meeting that the President was fully aware of the coverup, did you not?

Mr. DEAN. Yes, sir.

Senator INOUE. And you further testified that you believed that you had on your spurs in handling the coverup by February 27, when you were told by the President that you would report to him directly. Is that not correct?

Mr. DEAN. I do not believe I used the word "my spurs." I think that was another characterization. I said I thought I had earned my stripes.

Senator INOUE. If that was the case, why did you feel it necessary on February 27 to tell the President that you had been participating in a coverup and, therefore, might be chargeable with obstruction of justice?

Mr. DEAN. Because on the preceding day, he had indicated to me that Mr. Haldeman and Mr. Ehrlichman were principals and I was wrestling with what he meant by that. I wanted him to know that I felt also that I was a principal. So I wanted him to be able to assess whether I could be objective in reporting directly to him on the matter.

Senator INOUE. If the President was aware on September 15 of the coverup, was he not aware that you were implicated also?

Mr. DEAN. I would think so, but I did not understand his remark at the time.

Senator INOUE. Then, why was it necessary on February 27 to advise him that you were guilty of obstruction of justice?

Mr. DEAN. Because as I said, Senator, when he mentioned the fact that Mr. Ehrlichman and Mr. Haldeman were principals, I did not understand what he meant. I wanted to make it clear to him that I felt I also had legal problems and I had been involved in obstruction of justice. Any time I was in the oval office, I did not want to withhold anything from the President at any time and felt that any informa-

tion that he was seeking or came out as a result of the conversation, that I should give it to him.

Senator INOUE. If you were not clear as to whether the President clearly understood, are you suggesting that on September 15 he did not clearly understand what was happening?

Mr. DEAN. I have testified that one of the reasons I sought the meeting of the 21st is because I did not think the President fully understood the implications of the coverup, the fact that people had been involved in obstruction of justice and I wanted to make it very clear to him that this was my interpretation of the situation. At that time, I did have access to the President. When he did call me the night before, I did raise it and felt that I should go in and tell him the implications of this entire matter.

Senator INOUE. If you felt that the President of the United States did not fully understand the implications on February 27, how did you expect the President to understand the implications on September 15 of the prior year?

Mr. DEAN. When I went in on the 15th of the prior year, as I say, this was sort of a congratulations, good job, John, Bob's told me what you have been doing. At the time, we went on to discuss other aspects of the efforts to prevent the entire matter from coming out before the election. We talked about when the civil suit would proceed, we talked about when the criminal suit would be tried. The discussion at that time was very—the President was asking most of the questions and I was giving very short answers.

I might also add that I was very unused to going into the President's office. I was extremely nervous when I was before him. This was the first time I had ever really had a sort of one-to-one session with him. The other meetings I have been in, there have been many other members of the staff. I have not done most of the talking; rather, I was the man who was in there taking notes or taking other people into the meetings. So I would answer his questions and listen and do the best I could to report.

Senator INOUE. Did you and your counsel develop a strategy for obtaining immunity from prosecution? And what were the elements of that strategy?

Mr. DEAN. Well, I recall the chairman starting to raise that question yesterday. First of all, I do not know what is meant by a strategy for immunity. What happened is my counsel went down and began discussing, first of all, how the prosecutors could hear my testimony to make their own determination as prosecutors as to what they wanted to do with me—whether I was to be a witness, whether I was to be a defendant, and the like. I went to counsel because I had made my determination that I was going to go to the prosecutors and tell them what I knew about the case. But there is an old saying that all lawyers know that the lawyer who represents himself is a fool. I did not feel that I could be objective about my situation. I sought out a man whose judgment I would respect in regard to the criminal law and he said, John, if I am going to represent you, you have to take my counsel; otherwise, you do not need a lawyer if you just want to walk down there.

I said, well, I think I will take counsel. I am a lawyer myself and I think to follow counsel is a good idea.

Senator INOUE. I wish to follow this question with my own question, if I may.

Mr. SHAFFER. Excuse me, Senator.

I didn't want to register a timely objection to your last question, since it bears so heavily on the issue of credibility. However, for future proceedings, I would like to note for the record that when we came before you gentlemen, you took away our fifth amendment right by virtue of the use of immunity which was conferred by Judge Sirica at your request. You have not taken away our sixth amendment right and we have not surrendered it for future proceedings.

Senator INOUE. This is understood, sir.

Mr. SHAFFER. Thank you.

Senator INOUE. I'll return to the White House questions.

Didn't your strategy include deliberate leaks of information to the media on what you had told investigators and what you might be prepared to testify about in the future?

Mr. DEAN. Senator, in any testimonial areas, I dealt directly with the appropriate investigative forum. I conceived of no strategy to leak my testimony or anything of that nature. In fact, any comments I have had with the press, I believe, were a matter of public record and I think that most of the press know that I have refused on countless occasions to give what I consider testimonial areas.

Senator INOUE. How were these contacts with the media handled?

Mr. DEAN. Well, I did have a number of inquiries that came, not directly to me, because I made myself as inaccessible to the press as possible. As I believe the Senator is aware, there were a number of attacks about my character. They have been ongoing and continuous. My counsel would call and ask me questions about these and I would give them what my assessment of the given attack was.

Senator INOUE. Who represented you and what individual members of the press were contacted?

Mr. DEAN. I can't answer that, Senator, because I don't know. As I say, I am aware of the contacts I had with the press, but there were stacks of calls that came in, apparently, to my attorney's offices and I don't know—I don't believe there was an understanding of my returning those calls.

Senator INOUE. Mr. Dean, were any of the stories or quotes attributed to you or sources close to you inaccurate?

Mr. DEAN. Yes, they were.

Senator INOUE. If so, what, if any, steps did you take to correct these stories?

Mr. DEAN. Well, as I said, I am in a delicate position. If I come out into testimonial areas, I can be accused of trying to generate publicity. I already as a result of my appearance up here have serious legal problems as a result of the publicity generated by this. I have not read the press with regularity at all since these hearings have commenced.

I did see a Newsweek piece, for example, when they said that they attributed to me some story about a Panamanian assassination. Now, I have no more idea what they are talking about, just none at all.

Senator INOUE. The next question, Mr. Dean, is rather lengthy.

Mr. Dean, one point of distinction you drew in your testimony puzzles me. You have testified that you had received and placed in your safe the sum of \$15,200 which you never turned over to anyone because

you didn't want funds you had physically handled to be used for payments to the Watergate defendants. You also testified that you called Mr. Stans and asked him for \$22,000 to make the \$350,000 fund whole and that you had your deputy, Mr. Fielding, go to Mr. Stans' office, pick up the money, and later deliver it directly to Mr. Strachan, knowing that \$22,000 would probably be used for payments to the Watergate defendants.

Now, do you mean to imply that you think there is some moral basis for the distinction, or were you just being cautious to protect yourself technically from committing the criminal offense of obstructing justice at the expense of implicating your deputy?

MR. DEAN. Well, if you will recall my testimony on that when I spoke with Mr. Stans, I told him Mr. Fielding would be over to pick up the package. I also informed Mr. Stans that Mr. Fielding would not know what he was picking up.

I was quite surprised and I must say annoyed when Mr. Fielding came back and told me that he had realized that he had received cash. I did not have any desire to involve Mr. Fielding in this, because he had not been involved in it before that. I assumed when he was making the trip that he would be no more than an innocent agent in the matter and he would be unknowing as to what he was doing.

I still think to this day he didn't know what the full purpose of that money was and I told him at the time, I said, "Well, don't worry about it. It is nothing for you to be concerned about."

SENATOR INOUE. Mr. Dean, you have testified as to your close working relationship to your deputy, Mr. Fielding. It was he who you sent to pick up the \$22,000 from Mr. Stans, he who helped you to sort the documents from Mr. Hunt's safe and he who sent to England to retrieve Mr. Young's secretary.

Did Mr. Fielding know that you were involved in a conspiracy to obstruct justice, perjure testimony, and pay defendants for their silence?

MR. DEAN. I have no idea what Mr. Fielding knew. I didn't discuss these things with him. When he, to the best of my knowledge, his involvement merely was dealing with, going through the material in Mr. Hunt's safe with me and then dealing with Miss Chenow and going to England to get her and brief her. He also assisted in briefing Mr. Krogh and he also accompanied me when Mr. Ehrlichman requested that he join me in preparing himself for his interview before the FBI because it related to matters with the plumbers unit.

Mr. Fielding had become familiar with some of the problems of the Plumbers unit as a result of dealing with Miss Chenow and he had also talked to David Young, who was in the Plumbers unit.

So, he was more knowledgeable than I was. That is my knowledge of Mr. Fielding's knowledge.

SENATOR INOUE. Mr. Dean, if your deputy, Mr. Fielding, who worked so closely with you and who carried out some of your missions connected with the conspiracy, had absolutely no knowledge of the coverup conspiracy, how do you so blithely assume that others on the White House staff, and even the President, did know of your conspiracy?

MR. DEAN. Did know of my conspiracy?

SENATOR INOUE. Yes, sir.

Mr. DEAN. Well, I wouldn't classify it as my conspiracy. I would say that I was involved with others in a coverup operation. I recall on countless occasions, Mr. Fielding complaining to me that I was leaving him out, I wasn't explaining to him what I was doing. We had had a very close working relationship. I think today, Mr. Fielding is very happy that I did not tell him what I was doing or involve him any more than the degree he was involved in the entire matter. In fact, he has subsequently thanked me for not involving him.

Senator INOUE. The question was, if I may repeat it again, if your deputy, Mr. Fielding, who worked so closely with you and who carried out some of your missions connected with the conspiracy, had absolutely no knowledge of the coverup conspiracy, how do you so blithely assume that others on the White House staff and even the President did know of the conspiracy?

Mr. DEAN. Well, as I say, I don't know how many other people on the White House staff knew of the conspiracy to—not my conspiracy but the general coverup conspiracy. I certainly know that I was getting instructions from Mr. Haldeman and Ehrlichman and I know of my conversation with the President. I know that there were other people on the staff who were quite aware of the fact that the White House was not baring its soul on this matter. There were, as I said, parallel coverup situations with regard to Mr. Segretti, where people who were not involved in other aspects become involved in that.

There was the Patman hearing, where it was quite evident that the White House did not want to have the Patman hearings. There were a series of various phases to the coverup and various people in the White House knew.

Senator INOUE. Mr. Dean, beginning in late May and early June there were a series of newspaper stories reporting what you had told various investigators which quoted sources close to you as to what he had said. A number of these news reports, for example, the page 1 story in the Washington Post of June 3, alleged that you began your private meetings with the President either early in the year or as in the case of this particular story beginning on January 1.

According to your testimony your first private meeting with the President in 1973 was not until February 27. Did you or did you not tell investigators and/or friends that you began meeting with the President, either the first of the year or beginning January 1, and were these stories an attempt to exaggerate the length of time which you had been dealing directly with the President and by implication imparting to him knowledge of the Watergate?

Mr. DEAN. Senator, where the source of that story came from I do not have any idea. It certainly was not from me. I always, in dealing with any of the investigators from either this committee or from the prosecutor's office, told them exactly what I knew. I do not know of any exaggeration at any time, any place regarding my knowledge of this matter. So I cannot—it is obviously a loaded question and I do not know how to answer it other than to say what I just said.

Senator INOUE. Is it your testimony that the first private meeting you had with the President of the United States in the year 1973 was on February 27?

Mr. DEAN. That is correct.

Senator INOUE. Mr. Dean, the number of source stories containing allegations against the President attributed directly or indirectly to you over the last 4 or 5 weeks—

Mr. DEAN. Excuse me, Senator, I do recall—was that, did you say, private meetings? In other words, after the inauguration there was a church service meeting as I recall, where I had a brief encounter with the President where he actually stopped me in the reception line as a result of an incident that had occurred during the inauguration. It may be relevant. I had not planned to discuss this but if the committee wishes me to show my recollection of dealings with the President this may be very well relevant. When going to the—right after the inauguration or during the inauguration apparently there was a demonstrator who ran through the police lines and toward the President's car. That night the head of the Secret Service detail protecting the President called me and told me that the President was quite angry and anxious to do something about this man charging at the President's car. The man had made it about 5 feet from the curb before he had been knocked down by Secret Service agents.

I do not think anybody in the whole world who was watching the inauguration on television saw it, I certainly did not. Mr. Taylor, when he called me, said "What do I do?" The President wants something done.

"Well, you just tell the President you reported it to me and I will check into it," which I did.

The next Sunday morning when I was going through the reception line the President pulled me aside and said to me, "I want something done about that man, that fellow that charged the car." I had looked into the case. The best this man could be charged with was a collateral offense for breaking police lines. There was no assassination attempt, there was no evidence of anything like that. He was merely trying to make a point, as many demonstrators do, by being arrested in a public forum to make his protest.

I had occasion to request the Secret Service to make a full investigation of the matter. They said they, after examining the man, had released him.

I also talked to Mr. Petersen at the Justice Department and Mr. Silbert at the Justice Department and they told me there is no case here. They had talked to the Secret Service.

Meanwhile, I was receiving further reports from Mr. Haldeman saying, "What are you going to do with the man? We want a case made against him." That is one where I just quietly let it go away because there was no case.

Senator INOUE. Mr. Dean, the number of source stories containing allegations against the President attributed directly or indirectly to you over the last 4 or 5 weeks have been most numerous. Do you deny that these stories were planted in a calculated attempt to influence Federal prosecutors to believe you had such important testimony that they should give you transactional immunity from the crimes which you have committed in return for your testimony against others?

Mr. DEAN. I gave my testimony directly to the prosecutors. I planted no stories at all to do that and the prosecutors certainly would not make any decision based on what they are reading in the newspaper.

They would want to hear it directly from me and I was dealing directly with the prosecutors. And likewise with Mr. Dash when he began to interview me to find out what the scope of my knowledge was, to make a decision for this committee as to whether they wished to grant me immunity.

Senator INOUE. Mr. Dean, the May 14, 1973, edition of Newsweek carried a long article about you and your prospective testimony. In this article you are quoted a number of times and instances. The quotes in that article were word by word identical to the testimony you have given this week. Indeed, for the most part this Newsweek article was a very accurate preview summary of the lengthy statement which you detailed before this committee.

There are, however, several very noticeable differences. One difference is an omission from the testimony you gave here. You told this committee that when the President discussed the matter of your investigation of Watergate you did not tell him you made no such investigation.

The Newsweek article, however, reports that in your meeting with the President of March 21, and I quote "Dean also bore down hard, he said, on the fact that there had never been any study clearing White House staffers. Mr. Nixon replied that he had had verbal reports of Dean's work but the counsel insisted 'nobody asked me for reports, Mr. President,' he said."

"He said, 'I did not go around asking people questions in their offices. There was no report.'"

"At this point sources quoted Dean as saying 'The President came out of his chair into a half crouch of astonishment and shock.'"

If the Newsweek account is correct, Mr. Dean, the President's reaction was most inconsistent with that to which you have testified before this committee.

Did you or did you not tell the President that you had never conducted an investigation, and have you made the statement previously that "The President came out of his chair into a half crouch of astonishment and shock"?

Mr. DEAN. Well, I have testified here already that I have never seen the President come out of his chair—[laughter]—in that manner. I recall the interview that you are talking about, and the ground rules for that interview my wife was present with me, and she will recall that well, Mr. McCandless was with me and the rules were set that I would enter into no, what I considered testimonial areas at all of a substantive nature regarding my direct dealings with the President. I was asked if I had prepared an investigation or done an investigation into that I merely just said, no.

As I say, the interview that was given, and that story do not meet with what I told the reporter because I said anything I say I want it for attribution, I am not giving you anything on background or the like and I will not enter into testimonial areas and it was very clearly understood that I would not. I would recall to the Senator again that at this time I was coming under increasing character assassination attacks. People said, "John, you just cannot sit down and take that, you have got to come out and say at least a few words that you are living and breathing and a real human being," and that is the reason I held that interview.

Senator INOUE. Mr. Dean, if I recall correctly, you testified to this committee that it was not your idea for Magruder's diary to be altered nor were you aware before Mr. Magruder testified before the grand jury last September that Mr. Magruder would testify that the first meeting appearing in his diary had been canceled, and the second meeting had been to discuss election laws.

On both of these points, your testimony is in direct conflict with the sworn testimony of Mr. Magruder.

Are we to believe that Mr. Magruder lied as to these details concerning you and, if that is your position, what could be Mr. Magruder's motive for lying about the details of the manner in which Mr. Magruder's perjury was conceived?

Mr. DEAN. Well, Senator, I will stand on my testimony and not on the conclusions drawn in the question that has been propounded by you at the request of the White House.

Senator INOUE. Mr. Dean, Mr. Magruder also testified that Mr. Liddy told him that you among others had indicated to him that he would have \$1 million for his plans, which he had been working on before he even came to the committee. You testified, on the other hand, that you were surprised when Mr. Liddy briefed his million dollar intelligence plan to Mr. Mitchell in your presence. To what motive do you attribute Mr. Liddy's report to Mr. Magruder that you knew about his extensive plans before you saw them in Mr. Mitchell's office.

Mr. DEAN. Well, if the Senator will check the exhibits, there is one of the exhibits in there where I had an interview or a discussion with Mr. Mitchell. At that time Mr. Mitchell reported to me that Magruder had made this statement to him. My response at that time to Mr. Mitchell was that I had no recollection at all of ever making such a statement to Mr. Liddy, and I can't conceive of the statement being made for this reason: I was quite aware of the fact that a far different plan, Operation Sandwedge, that had a half-million dollar budget suggestion, had been deemed to be far more than necessary for anything to deal with even the security problems that were going to confront the campaign.

Senator INOUE. Mr. Dean, just prior to taking Mr. Liddy to meet Mr. Magruder in early December 1971, did you and Mr. Liddy not have a meeting with Mr. Egil Krogh and did you not at that time tell Mr. Liddy he would have \$1 million for intelligence gathering at the committee?

Mr. DEAN. I don't recall—I recall a meeting with Mr. Krogh and Mr. Liddy when I described the job, and I don't recall specifying a dollar amount as to what the intelligence for dealing with demonstrators would be. I have no recollection of that, Senator, no sir.

Senator INOUE. This is my question: Is it a matter of recollection or did it actually happen?

Mr. DEAN. Well, as—

Senator INOUE. I am very much impressed by your power of recollection.

Mr. DEAN. Well, as I say, I remember very well the meeting with Mr. Krogh. The meeting was at the time I was describing the job to Mr. Liddy. The thrust of the description of the job was the fact that he would be the general counsel of the reelection committee. I said one of the responsibilities he would have would be for dealing with the



potential problems of demonstrators. I don't recall at that time any extensive discussion at all as to, you know, how this plan would operate, what it would involve, what would be the substance of it because I never did, in fact discuss this with Mr. Liddy at all.

Senator INOUE. Did you discuss any sums of money?

Mr. DEAN. I may have told him at that time whatever he feels is necessary will probably be allotted to him after he presents his plan but he didn't really have a plan in mind himself at that time.

Senator INOUE. Wouldn't a sum of \$1 million be significant enough for you to remember?

Mr. DEAN. That is—I have no recollection of \$1 million, as I have repeated earlier. In fact, to the contrary that seems like an extremely high amount.

Senator INOUE. I will now return to the White House questions.

Mr. Dean, Mr. Magruder testified that in March 1972 Mr. Liddy had threatened to kill Mr. Magruder and that Mr. Magruder made a decision to terminate Mr. Liddy's employment. [Laughter.]

In this connection Mr. Magruder testified that he received a call from you encouraging him not to become personally concerned about Mr. Liddy and not to let personal animosity get in the way of Mr. Liddy's project.

Did you in March intercede with Mr. Magruder on Mr. Liddy's behalf and, if so, since you have said you assumed Mr. Liddy's intelligence project died after your meeting in February, what was the project of Mr. Liddy that you urged Mr. Magruder to give priority over his personal animosities?

Mr. DEAN. I did not intercede for Mr. Liddy, in answer to that question, and I think I have described yesterday, I believe it was yesterday, yes, that what happened is I was aware of the fact of a strained relationship between Liddy and Magruder.

Mr. Strachan at one point called me and told me that there were serious difficulties between Liddy and Magruder and Liddy—Magruder wanted to fire Liddy. I said, well, that is a personnel problem for the reelection committee. They need a lawyer over there, that I suggested Mr. Mardian deal with the problem because I didn't think it was something worth taking to Mr. Mitchell.

Senator INOUE. Mr. Dean, Mr. Magruder testified under oath that prior to his August 16 grand jury appearance at a meeting in your office you told him that if the worst happened "everything would be taken care of, even Executive clemency."

Did you make such a promise of Executive clemency to Mr. Magruder as he testified and, if so, did you have authority from anyone else to make such an offer or was it on your own initiative.

Mr. DEAN. You say the date was August 16?

Senator INOUE. Yes, sir.

Mr. DEAN. Well, I can recall on numerous occasions that Mr. Magruder was very worried, he was very shaky at some stages. As I alluded earlier, or discussed earlier, the fact that the strategy that had been developed, that Mr. Haldeman, Mr. Ehrlichman were quite aware of was that stop the case with Liddy. That is why apparently they made the decision to keep Mr. Magruder on at the reelection committee, contrary to my recommendation that he be removed. There were a number of occasions that they asked me how was he doing

and the like, and I would say, you know, he is either calm today or upset today or the like.

I do recall his having a conversation with me:

What happens if this whole thing comes tumbling down, will I get Executive clemency and will my family be taken care of?

And in a manner of not serious import or serious discussion I said something to the effect, "I am sure you will."

But I wouldn't call that what I would consider a firm offer of Executive clemency and it was not in that context at all. He didn't specifically ask "Will I get Executive clemency"—he was just saying he wanted assurances.

Senator INOUE. Then your testimony, your answer to the question, did you have authority from anyone else to make much an offer is, no.

Mr. DEAN. That is correct.

Senator INOUE. And was it on your own initiative, the answer is yes?

Mr. DEAN. Yes.

Senator INOUE. Mr. Dean, did I understand you to testify earlier that you had led Mr. Caulfield to believe you were assisting him in obtaining approval and funding for what he called Operation Sandwedge but that in fact you let Operation Sandwedge die a natural death?

Mr. DEAN. I wasn't encouraging Mr. Caulfield. Mr. Caulfield was anxious for my assistance. I told him that I would talk to Mr. Mitchell about it, which I did. Mr. Mitchell virtually rejected it out of hand. In an effort to save a man's feelings who had spent a great deal of time, he had involved a number of other good friends of his own who had major positions and had taken time off to work on the project, rather than come back and bluntly say, "You have been shot out of the water" and it had been disapproved, I realized that through a period of time he would realize the plan was going nowhere and it did die a natural death.

Senator INOUE. I call your attention to exhibit No. 34-12,\* which is a memorandum for the Attorney General from John Dean, dated January 12, 1972, and I call your attention to the first sentence of the second paragraph, which says:

Operation Sandwedge will be in need of refunding at the end of this month, so the time is quite appropriate for such a review.

Mr. Dean, if you let Operation Sandwedge die a natural death, why did you state to Mr. Mitchell that it would be in need of refunding at the end of January?

Mr. DEAN. Well, as I testified to this committee, after the November 24 meeting that Mr. Caulfield had had with Mr. Mitchell, he continued to do various investigative assignments. He was doing an investigative assignment with Mr. McCloskey; Mr. Mitchell was interested in that. He continued to call what had formerly been just his relationship with Mr. Ulasewicz Operation Sandwedge.

Mr. Ehrlichman had raised with me the fact that he thought Mr. Ulasewicz could be of assistance, he would like to keep him around, and that Mr. Mitchell and Mr. Caulfield should decide what Mr.

\*See Book 3, p. 1149.

Ulasewicz's future should be. This is the result of the label that Mitchell understood all of Caulfield's operations and I think he had a misimpression that, dating back to somewhere in 1969, I think Mr. Mitchell assumed that everything had been called Operation Sandwedge. At least in my conversations with him, that is the way he referred to it. So rather than go into a lengthy explanation when I was communicating with him on this matter, I merely called it Operation Sandwedge.

Senator INOUE. Mr. Dean, you have depicted all others in the White House as excessively preoccupied with political intelligence, use of covert methods and security, and yourself as a restraining influence on these preoccupations. Yet, your background of responsibilities at the Justice Department seems to suggest that your experience in these very types of activities might have contributed to your being invited to join the White House staff. What, precisely, were your duties in connection with demonstrations while you were at the Justice Department?

Mr. DEAN. Well, I would like to address myself to the first part of the question before I answer the second part of the question regarding being a restraining influence.

I do believe I was a restraining influence at the White House to many wild and crazy schemes. I have testified to some of them; some of them I have not testified to. Many of the memorandums that came into my office became a joke, in fact, some of the things that were being suggested. I think if you talk to some of the other members of my staff or if your investigators would like to talk to them, they would tell you some of the things that we would automatically just file—just like the political enemies project. Many of these just went right into the file and never anything further; until extreme pressure was put on me to do something, did I ever do anything. So I do feel I had some restraining influence. I did not have a disposition or a like for this type of activity.

Now, let me go to my responsibilities for the Department of Justice. And I will speak specifically with the area of demonstrators. When the demonstration situation was first developing, it was quite obvious that somebody was going to have to talk to the demonstration leaders. I can recall—would you like to proceed, Senator?

Senator INOUE. Proceed.

Mr. DEAN. I can recall that the first time that I had any knowledge of being involved in this was when I was on my way, doing my normal congressional relations work, coming up here to Congress on some project. I had a call just as I was leaving the Department, down at the gate of the 10th Street entrance. I was on my way out and they said, the Deputy Attorney General wants to see you right away, would you go up to his office?

I went into his office and here was a large gathering in his conference room, many members of the military, representatives of all the different departments and agencies, the Metropolitan Police, and the like. At that time, the Deputy Attorney General said, John, you are going to be the negotiator for the Government with the demonstrators to determine who will have permits and what the parameters of those permits will be.

At that time, when I started discussing permits with demonstration leaders, I was offered FBI information on all the demonstration leaders that I was negotiating with. I said, I do not want to have that

information, I want to deal as one man looking in another man's eye and know that man for the reaction I get from him just dealing across the table; I do not want to know what he has been doing all his life or the like. I said, that is for others to judge rather than me. I just merely want to tell you the results of my negotiations.

So I was not involved in intelligence from the outset. Now, as I testified, I did become aware from time to time of requests from the White House because of my proximity to the decisionmaking processes for various intelligence that would relate to political figures in their associations with the demonstrations and also, I was hearing complaints that the White House staff was unhappy about the quality of this intelligence. But my role was merely a conduit from the demonstration leaders back to a major committee that would make decisions and talk about what I would report. In fact, I would often put myself, in that I could be most effective in this capacity, in the role of advocating the position of the demonstrators. Because many times, I thought they had a good point.

For example, one I thought that the Government was taking a terrible beating on was in the November moratorium on this big issue of Pennsylvania Avenue versus no Pennsylvania Avenue. I thought that the demonstrators got \$1 million worth of publicity or \$2 million worth of publicity out of the Government's posture on refusing to give Pennsylvania Avenue. Instead, they insisted that they go down Constitution Avenue. I did not see that it made all that much difference in the long and short of it.

Senator INOUE. Immediately after you were appointed counsel to the President, did you not take over the responsibilities of Mr. Tom Huston in connection with intelligence activities?

Mr. DEAN. I think that you would have to know Tom Huston and my relationship with Tom Huston to know that there was no way I would take over anything regarding Mr. Tom Huston. He is a very brilliant, independent man. He would not, I did not even know what he was doing half the time. In fact, it was some months after he had joined my staff that I learned he had some sort of scrambler phone locked in a safe beside him and he made a lot of calls.

Mr. Huston did an awful lot of things that I have no idea what he was doing in the intelligence field. The only thing I know is that at that point, he was the liaison for receipt of FBI information regarding radical groups and he would be the distributor throughout the White House and he put me on a distribution list. Most of this material was not even to me, worth reading because I was not particularly interested, unless it was a very current demonstration.

So I inherited Mr. Huston. Mr. Huston and I worked with a friendly relationship. As I say, he is a very independent man and he and I think a little differently and handle memorandums a little differently.

I recall one rather interesting occasion when he prepared a rather strong and blunt memorandum for my signature to the Attorney General, on a very minor request for something. The memorandum was in my mail stack. I read it quickly and didn't think much about it; I was signing the mail. Two days later, I had a call from Mr. Kleindienst and he said, in short, who in the hell do you think you are writing a memorandum like that to the Attorney General of the United States? Now that you are up at the White House, you think you are high and mighty.

So I pulled the memorandum back out and realized that it is not the kind of memorandum I would send to Mr. Kleindienst. I apologized for the memorandum, because it was a rather strong and harsh memorandum for me to send to anybody.

Senator INOUE. You did testify, did you not, Mr. Dean, that political intelligence was routed to you in the White House?

Mr. DEAN. Political intelligence? I had requests for political activities to embarrass people. I think I have turned over in exhibits 34-5, 34-6, 34-7, and 34-8\* a fair sampling of the sort of things. If the committee would like to go through those at some point, I would like to explain that most of those ended up in my file with no action.

I did refer to one yesterday with regard to commencing a tax audit on Mr. Gibbons. I did not start that tax audit.

Senator INOUE. Mr. Dean, I believe that you were the author of the memorandum to the Attorney General which led to the establishment of the Intelligence Evaluation Committee. Did you hold the first meeting of that committee in your office?

Mr. DEAN. Yes, I believe that is correct.

Senator INOUE. Were you not the one on the White House staff who levied requirements on and received reports from the Intelligence Evaluation Committee?

Mr. DEAN. That is correct—well, I didn't—I asked them to suggest areas they would like to go into. This would get into a couple of areas that they wanted to get into that directly relate to national security under the rulings of the Chair, so we will have to defer from those. But they would often suggest areas that they would like to be into and I would have to check them with others on the White House staff, particularly the foreign areas, which I didn't think was appropriate for this group, but they had domestic implications. I went to Mr. Haig and he in turn checked with Mr. Kissinger and he would decide there was nothing to be done in this area. We would receive regular calendars from them of events. I would have a man on my staff, initially Mr. Caulfield and subsequently Mr. David Wilson, who would decide if there was a demonstration coming, based on these regular calendars they would send to us, was this a demonstration that we would need intelligence on. And I would in turn either summarize or send a direct report to Mr. Haldeman or any other member of the staff that the IEC report would relate to.

Senator INOUE. In interagency meetings to plan for handling demonstrations, were you not the White House representative?

Mr. DEAN. From the time I went to the White House, I was, yes, with some exceptions. There were some types of demonstrations that I did not go to the Justice Department on or I went with others, because they were of a particular nature that I had no expertise in the problem area. I am thinking particularly of the Wounded Knee situation. I did go over to the meeting on how to deal with Wounded Knee, but I really was not personally aware of the Indians' grievance problems, so Mr. Garment took over and dealt with that.

When there was a demonstration to occur in Washington like the May Day demonstrations, I did participate with the Attorney General in those in finding out what the Government was going to do, because

\*The documents referred to were marked for identification only in Book 3 and were not for publication.

I was asked and expected to report in my summaries that the President had a great interest in as to what was going to be the Government's response in dealing with such situations.

Mr. Ehrlichman frequently maintained a continuing interest in this. In fact, I can recall another member of the staff saying that as far as demonstration goes, Mr. Ehrlichman is like a Dalmatian at the fire; he just can't stay away from them. He liked to know what was happening.

Senator INOUE. In the St. Louis Post Dispatch of May 14, 1973, there is a report that you attempted to recruit a Department of Interior employee, Mr. Kenneth Tapman, for undercover work at the Democratic Convention. Did you attempt to recruit Mr. Tapman or any others for undercover work and what prior experience did you have in recruiting for undercover work?

Mr. DEAN. Well, I can't recall recruiting anybody for undercover work other than I did have a discussion with Mr. Tapman, but I have to put this in context.

Mr. Tapman had been with the Department of the Interior for a number of years. He and I had worked very closely with the demonstrators. He was with me during most of the negotiations we had on the major demonstrations.

Mr. Tapman wears his hair far longer than I do; he developed an excellent rapport with many of these people. He also had rapport with the police officials, the Metropolitan Police and the like, when I was having no relationships at this point in time as we went down toward the planning for the convention with what the reelection committee was going to do, but I knew that there was going to be a need for the White House to be well informed. I suggested that Mr. Tapman might like to do this, because I would be able to have a set of eyes and ears down there of somebody who I thought could assess the circumstances. Somebody who is unfamiliar with a demonstration, and a lot of people overreacted to demonstrations, would see that, you know, a group was coming down the street and because one tear gas canister was thrown, they would react that a hydrogen bomb had been thrown.

Mr. Tapman was a type who had been probably through more tear gas than anybody other than Chief Wilson himself.

I thought Mr. Tapman would serve as an excellent source of information for me and I told him that I wanted him, asked him if he was interested in going down there. I said, you can't be on the White House payroll to do this, quite obviously.

Senator INOUE. Then your answer to this question, did you attempt to recruit Mr. Tapman—

Mr. DEAN. Is yes.

Senator INOUE [continuing]. Is yes.

Mr. DEAN. This was for both conventions, incidentally, I might add.

First of all, to go down and get an understanding of what type of demonstrations were occurring at the Democratic Convention, what were the logistic problems. I wasn't really familiar with Miami because I hadn't been to the 1968 convention and I didn't know the logistical problems that were confronting us, so I suggested he go, for example, to both and see how the police handled it and see what the problems were going to be and the like.

Senator INOUE. This is another very lengthy question: Mr. Dean, you have testified concerning your conversations on three different occasions with General Vernon Walters, the Deputy Director of the CIA, beginning on the 26th of June. General Walters prepared a memorandum for the record of each of these conversations with you.

In General Walters' memorandum record for your meeting with him on June 26, you are reported to have asked General Walters whether there was not some way that the Central Intelligence Agency could pay bail for the Watergate defendants and if the men went to prison, could CIA find some way to pay their salaries while they were in jail out of covert action funds.

In your testimony, you made no mention of asking General Walters whether the CIA could pay the Watergate defendants' bail or salaries while they were in prison. Was this an intended omission on your part in the interest of saving them or do you deny that you made these specific requests of General Walters?

Mr. DEAN. I recall I did make those requests and as I say, the omission was not intentional. I have never really read in full General Walters' depositions. So the answer is that in fact, I recall that, that was discussed.

Senator INOUE. And it was not intentional? The omission was not intentional?

Mr. DEAN. No, sir. In fact, I recall that they were in the paper and I decided I didn't want to read them and then tailor what I had to say around what Mr. Walters had to say.

Senator INOUE. Mr. Dean, I believe you testified that on March 26, while you were at Camp David, you called Mr. Maroulis, the attorney for Mr. Liddy, and asked for a statement by Mr. Liddy that you had no prior knowledge of the Watergate break-in.

Is that correct?

Mr. DEAN. That is correct, and I have so testified.

Senator INOUE. Now, you also testified, did you not, that it was on March 28 that Mr. Haldeman called you to meet with Mr. Mitchell and Mr. Magruder and that it was at that time you became convinced you would have to look out for yourself.

Isn't that correct?

Mr. DEAN. That isn't my interpretation. I had decided while I was at Camp David, in fact before I went to Camp David, that I didn't have to watch out for myself, but I saw what others were doing and I realized that I ought to—well, as I say, I retained counsel up there initially and told him because of the Los Angeles Times story, I retained him.

At that point in time, I told him I would like to talk to him when I got back and suggested to him that he begin to think about a criminal lawyer.

Senator INOUE. If on March 26, after you, according to your testimony, had admitted to making payments to Watergate defendants to obstruct justice, offering clemency to defendants to obstruct justice and suborning perjury, you were still actively trying to build your defense against having prior knowledge of the break-in on March 26, doesn't this demonstrate that throughout this affair, your motivation was to protect yourself against the criminal charge of authorizing and directing the Watergate break-in?

Mr. DEAN. The reason I sought the statement from Mr. Liddy is you will recall I testified that on the 25th, I learned there was going to be a story published in the Los Angeles Times that I had prior knowledge. I felt that was libelous. I was trying to build what I thought would be a good defense or a good case if I decided I wanted to bring a libel action. In fact, I had mentioned that in my conversation with Mr. Maroulis also.

Senator INOUE. Mr. Dean, you stated that Mr. Maroulis called you back on the 29th of March and told you he could not get you the statement you wanted from Mr. Liddy.

Did you record either of these telephone conversations you had with Mr. Maroulis?

Mr. DEAN. Yes. The first telephone conversation was recorded. It is almost inaudible and I don't know if it is because of the form I recorded it in. I would be happy to turn it over to the committee and if the committee can get off the tape what is on there, fine. I have been unable to.

Senator INOUE. Mr. Chairman, that was the last question from the White House. However, the White House has also submitted a short statement, I presume this is the closing statement, sir.

Mr. DEAN. Do I have the opportunity to comment on the closing statement as well as the opening statement?

Senator INOUE. If you wish to, sir.

Mr. DEAN. Thank you.

Senator INOUE. "A central credibility question is what prompted Dean's tactics in March and April of 1973. The desire to have the truth or the effort to achieve——"

Senator ERVIN. Senator, so the record will be correct, is that a statement which White House counsel has prepared?

Senator INOUE. This is a statement prepared by Mr. J. Fred Buzhardt.

Senator ERVIN. Yes.

Senator INOUE. Special counsel to the President.

Senator ERVIN. And it is a statement of his contentions about evidence and not evidence as such.

Mr. DEAN. May I ask a question? Does this represent the White House view or Mr. Buzhardt's view?

Senator INOUE. This was delivered to me yesterday under cover letter signed by Mr. J. Fred Buzhardt.

A central credibility question is: What prompted Dean's tactics in March and April 1973—the desire to have the truth told or the effort to achieve immunity from prosecution? The following sequence of events is important:

Dean's admitted personal connection with the offer of clemency to McCord in January (Dean to Caulfield to McCord via Ulasewicz) (p. 141).

Dean's admitted personal connection with Hunt's demand for more money on March 19 (Hunt to O'Brien to Dean) (p. 197).

Dean's meeting with the President on March 21–22. On any version of this meeting it was an effort to get the President to take action on what was becoming a personal problem for Dean. (p. 195).

McCord's letter to Judge Sirica on March 23.

Mr. DEAN. May I just comment there?

Senator INOUE. Please do, sir.

Mr. DEAN. I, in the 21st meeting, had hoped that that would be the truth punctuation point that indeed, the coverup. It was after



that, that morning meeting when I saw that it was not going to end that the period had not been placed in the story that my whole thinking began to change and I began to think of how can I now proceed while others are unwilling to proceed, particularly Mr. Haldeman and Mr. Ehrlichman, and at that point in time I certainly wanted to try to still get the President out in front of this entire matter.

Senator INOUE [reading]:

McCord's letter to Judge Sirica on March 23. This was the crucial break in the cover-up. Dean learned via a call from O'Brien (p. 205). On March 25 press comments directly linked Dean with knowledge of the Watergate break-in (p. 203). He called Liddy's attorney, Maroulis, on March 27 to get a statement that he did not have prior knowledge of break-in (p. 211). Maroulis called back on March 29 with word that he couldn't give him a statement (p. 212). This statement might have been taped. On March 28 and March 29 he solicited names of criminal counsel (p. 220). On March 30, he decided to retain Mr. Shaffer (p. 220).

Time had run out; the cover-up had come apart; Dean was centrally involved. He sent his lawyers to the U.S. Attorney on Monday, April 2, and commenced his negotiations for immunity.

Mr. Chairman, this ends the statement.

Senator ERVIN. Thank you.

Senator INOUE. Mr. Chairman, I have questions of my own but these questions have taken up an hour and 15 minutes so, if I may, I would like to have the opportunity at some later time to interrogate.

Senator ERVIN. Yes, all the members of the committee will be accorded a second opportunity.

Senator INOUE. I thank you very much.

Thank you, Mr. Dean.

Senator ERVIN. Do you want to respond to the statement which has just been read to you?

Mr. DEAN. I believe I have commented through the questions and answers to most of those matters. The fact, I would just make this point. I would recall the fact that the question of clemency for Mr. McCord was a result of the fact that the issue of clemency had come up directly with the President. That was not something that I initiated. It was something that came in, Mr. Colson went to Mr. Ehrlichman, Mr. Ehrlichman, in turn went to the President, Mr. Colson also went to the President. I received word that the fact that clemency had been offered to one, similar assurances should be given or could be given to all, so that is clearly in the record on the clemency matter.

The 21st meeting I have explained repeatedly what my hope in accomplishing with that meeting was, and my disappointment when I had thought I did have access to the President, I thought what I call my cancer on the Presidency speech did not result in immediate surgery but rather continued coverup.

The 23d letter of Mr. McCord I was asked by Mr. Ehrlichman what my assessment of it was based on the earlier conversation I had had with Mr. O'Brien, at best it was hearsay that he had if any wanted to perpetuate the coverup at that point through further perjury, I am sure they could have because he had no hard evidence. This was revealed in a conversation which I have submitted to the committee and a conversation I had with Mr. Magruder who was not concerned about this, that the fact that McCord could prove nothing, he could say a lot but he could prove nothing.

Let me see here. I will recall the reason again that I was seeking to get the comment from Mr. Liddy was in a sense twofold. First of all, the President had done a tremendous embrace of me that next morning when the story was printed. He had said that based on conversations he had had with me, which in fact he had not had, but rather I had had conversations with Mr. Haldeman and Mr. Ziegler, both, and informed them I was prepared to file a libel suit, and I believe the White House has also admitted the fact that that phone call never took place between the President and myself on that day. But in an effort to develop what would be necessary for a libel suit, not that I was planning to file one at that point, but just in preparing for it I thought the strongest statement I could have would be a statement from Mr. Liddy and that was the reason I approached Mr. Maroulis to see if he could do it.

The reason that Mr. Maroulis could not get the statement was because he was concerned about his client's fifth amendment rights. So those are the only points I would make on that closing statement that was offered by the White House.

Senator ERVIN. I want to thank Senator Inouye for putting these questions at the request of the White House counsel, and also for calling the attention of the witness to the contentions of the White House counsel.

Mr. Dean, you have been testifying for about an hour and a half and I imagine you would not be very adverse to having a very brief recess at this time.

Mr. DEAN. I would appreciate that, Mr. Chairman. I thank you for your thoughtfulness.

[Recess.]

Senator ERVIN. The committee will come to order.

Under our usual routine, it would be the time for Senator Baker to interrogate the witness. However, he has kindly agreed to allow me to do so on account of certain obligations I have.

Mr. Dean, there are one or two exhibits I want to ask you about and one of them is exhibit No. 34-5\* which is a Shearson and Hamill Co. statement. Do you have a copy of that there?

Mr. DEAN. I do not, no sir.

Senator ERVIN. Can someone supply him with a copy there.

And another is our exhibit No. 35 of what I call the Dean papers, that is the papers that were turned over to this committee at the order of Judge Sirica. Do you have a copy of that?

Mr. DEAN. I do not.

Senator ERVIN. And another is our exhibit No. 36 of the Dean papers, a memorandum for Mr. Huston from Mr. Haldeman. I would like for you to have a copy of those three documents before I begin.

Mr. DEAN. I have some of the documents that were turned over to me yesterday for identification relating to Judge Sirica. I don't know what you are referring to with regard to the Shearson and Hamill statement.

Senator ERVIN. When did you transfer from the Justice Department to the White House?

Mr. DEAN. July of 1970.

Senator ERVIN. And when did Mr. Tom Huston transfer from the Justice Department to the White House?

\*Exhibit No. 34-5 was entered for identification only in Book 3 and was not for publication.

Mr. DEAN. I don't believe he was at the Justice Department, to the best of my knowledge.

Senator ERVIN. Was he at the White House when you arrived there?

Mr. DEAN. Yes; he was there.

Senator ERVIN. Do you know anything about a meeting having been held in the office of the President on or about June 5, 1970, at which the President and Mr. Huston and others discussed laying plans for gathering domestic intelligence?

Mr. DEAN. I have hearsay knowledge of that, Mr. Chairman, that such a meeting did occur. Present at the meeting, Mr. Huston, various representatives of the intelligence agencies, the President at that point in time stated to those present that Mr. Huston would be in charge of the project for the White House.

Senator ERVIN. Now, you were informed in substance that the President assigned to Tom Charles Huston, White House staff, responsibility for domestic intelligence and internal security affairs?

Mr. DEAN. That is correct.

Senator ERVIN. Now, as a result of this meeting there was a review by the heads of the CIA, FBI, NSA, and DIA of the techniques used by these information or intelligence-gathering organizations to gather intelligence, both domestic and foreign, was there not?

Mr. DEAN. That was my general understanding on hearsay again.

Senator ERVIN. Yes. And that review is embodied in one of the papers that you identified yesterday which I call No. 1 of the Dean papers that was not introduced in evidence?

Mr. DEAN. I don't identify them as the Dean papers. They happened to fall in my possession. I was not the author, of course, but I did turn them over to the court.

Senator ERVIN. Now, I will ask you to look at the exhibit entitled "Recommendations, Top Secret, Handle VIA COMINT Channels Only, Operational Restraints on Intelligence Collection," that you have there.

Mr. DEAN. Is this your No. 2? [Committee exhibit No. 35.\*]

Senator ERVIN. Yes; that is what I call No. 2.

Mr. DEAN. The top does not say recommendations on it to me. It just has "Top Secret Handle VIA COMINT Channels Only Operational Restraints on Intelligence Collection" and then (a) is missing and (b) the document begins.

Senator ERVIN. Yes. In other words, parts of it were deleted that referred to—

Mr. DEAN. I understand.

Senator ERVIN [continuing]. That had any reference to foreign intelligence matters.

Does that not constitute a recommendation from Tom Charles Huston concerning domestic intelligence, the part you have there?

Mr. DEAN. What I understand this document, as I recall, when I received it it appeared to me to be a summation of a rather lengthy document, a 43-page document that was being forwarded either to Mr. Haldeman or to the President for their review.

Senator ERVIN. Yes. Does not that document, in short, make these recommendations as to the manner or rather the technique that should be followed, in Mr. Huston's view, in gathering domestic intelligence and matters affecting internal security?

Mr. DEAN. Yes; it does.

\*Exhibit 35 was published in Book 3.

Senator ERVIN. In other words, it says, it recommends the first technique is surreptitious entry.

Mr. DEAN. On mine, which is No. (b) [exhibit No. 35], the first recommendation is electronic surveillance and penetrations and says, "Recommend present procedure should be changed to permit intensification of coverage of individuals and groups in the United States who pose major threats to national security."

Senator ERVIN. In other words, what I asked was the first recommendation was techniques for removing limitations on electronic surveillance and penetration.

Mr. DEAN. That is correct.

Senator ERVIN. Then the next, the second recommendation was for the use of the mail coverage.

Mr. DEAN. That is correct.

Senator ERVIN. The third recommendation was a recommendation of a technique designated as surreptitious entry.

Mr. DEAN. That is correct.

Senator ERVIN. Now does not the exhibit show that surreptitious entry, the third technique as described by Mr. Huston in that document as follows: "Use of this technique is clearly illegal. It amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion."

Mr. DEAN. That isn't on the document I have before me but I do recall something to that effect in the larger report that we are referring to, yes, sir, Mr. Chairman.

Senator ERVIN. Yes.

The fourth technique was development of campus sources of information concerning violence-prone student groups or campus groups, wasn't it?

Mr. DEAN. That is correct.

Senator ERVIN. And the fifth technique recommended by this statement is the use of undercover military agents?

Mr. DEAN. That is correct.

Senator ERVIN. Yes.

Now, I will ask you that all of these recommendations were that restrictions of use techniques be removed, was it not?

Mr. DEAN. That is correct. As I recall the larger document that many of these recommendations had footnotes that had been placed on there by Hoover as to every one of them.

Senator ERVIN. Now, did not the original document, of which there is an excerpt with deletions, point out in several occasions that Mr. Hoover, the Director of the FBI, was wholly opposed to the use of any of these techniques for domestic surveillance?

Mr. DEAN. Yes, sir, it did.

Senator ERVIN. And I will ask you if the Americans who were to be the subject of these information or intelligence-gathering activities were designated by such terms as subversive elements without further definition?

Mr. DEAN. It was very broad, that is correct.

Senator ERVIN. And second, selected targets of internal security interests.

Mr. DEAN. Yes, sir, again that was a very broad description.

Senator ERVIN. There is no definition anywhere in the document as to what those two things mean?

Mr. DEAN. That is correct, sir. There was a prefatory section of the document explaining somewhat the dimensions of the problem as it was perceived at that time. But again there was not even a lot of specificity in that, as I recall but it has been several—quite a time since I have read that document.

Senator ERVIN. Now, was there anything in the document that told who was going to do the selecting? These selected targets of internal security interests?

Mr. DEAN. Not to my knowledge.

Senator ERVIN. And that was left up, by the document, to the imagination or interpretation of anybody engaged in the intelligence work?

Mr. DEAN. That is correct.

Senator ERVIN. Now there was another—

Mr. DEAN. I believe that one of the reasons for developing this was to get intelligence that was more responsive to the requirements of the White House. There had been, as I think I have testified, there were continued complaints about the intelligence, and I think that is why the White House took charge of the project.

Senator ERVIN. The White House was dissatisfied with the work being done by the FBI, CIA, NSA, and the other intelligence gathering agencies. It wanted to assume some degree of supervision over those agencies, didn't it?

Mr. DEAN. That is correct.

Senator ERVIN. And I will ask you, as a lawyer, if you do not think that surreptitious entry or burglary and the electronic surveillance and penetration constitute a violation of the fourth amendment?

Mr. DEAN. Yes, sir, I do.

Senator ERVIN. The fourth amendment provides that:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated. And no warrant shall issue other than upon probable cause supported by oath or affirmation, and particularly describing the place to be served and the personal things to be seized.

Hasn't it always been a violation of the fourth amendment under the decisions of the court to resort to burglary for the purpose of getting information?

Mr. DEAN. Yes, sir, it has been.

Senator ERVIN. And hasn't the Supreme Court recently held by unanimous opinion that the use of electronic surveillance and penetration to obtain information concerning persons allegedly guilty of domestic subversive activities is also a violation of the fourth amendment?

Mr. DEAN. That is correct, Mr. Chairman.

Senator ERVIN. Now, I call your attention to what I designate as exhibit No. 36\* and ask if you will read this document to the committee.

Mr. DEAN. This is a memorandum for Mr. Huston, subject, domestic intelligence review:

Its recommendations—

\*Exhibit 36 was published in Book 3.

I might add here it is from Mr. Haldeman to Mr. Huston—

The recommendations you have proposed as a result of the review have been approved by the President. He does not, however, want to follow the procedure you have outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval. The formal official memorandum should, of course, be prepared and should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. I feel very strongly that this procedure won't work and you had better let me know and we will take another stab at it. Otherwise let's go ahead.

Senator ERVIN. Now, that letter can only be construed as a statement on the part of Mr. H. R. Haldeman to Mr. Tom Charles Huston, the aide in charge of domestic intelligence, to the effect that the President of the United States had approved his recommendations about removing the limitations on electronic surveillance and penetration, surreptitious entry or burglary, the use of mail coverage, and of sources of information on the campuses and the military undercover agents for the purposes of gathering information upon the objectives of that.

Mr. DEAN. That is correct, Mr. Chairman.

Senator ERVIN. Now, when did Mr. Huston leave the White House?

Mr. DEAN. I do not recall specifically the date. It seems to me he was on my staff 6 or 8 months at the most, as I recall. He had been talking about leaving for some time and returning to private practice. This had been one of his pet projects. He had apparently gotten into a serious dispute with Mr. Hoover over it and he felt that his effectiveness at getting this accomplished had been diminished as a result of the fact that his plan was not being implemented and was floundering. I can recall him coming to me and asking me if I could do anything. I told him I could not.

Senator ERVIN. Now, do you not know that this plan was approved for use by the President without the prior knowledge of Mr. Mitchell?

Mr. DEAN. I do not know that for a fact, no, sir. When I talked to Mr. Mitchell about it, it had reached the stage that they wanted to do something. Mr. Mitchell and I talked about it and we decided that the best thing to do was to create the IEC and that would possibly satisfy everybody's request to do something.

Senator ERVIN. Now, the IEC, in effect, was a proposal to set up a group representing or representatives from the FBI, CIA, NSA, DIA, and the counterintelligence units of the Army, Navy, and Air Force to furnish information about the activities of all of these agencies to the White House?

Mr. DEAN. I believe that is correct, but I believe that at that time also, the military—I am not sure they were involved because they had already made a decision that they were not going to do any domestic intelligence work.

Senator ERVIN. Now, as a lawyer, you are aware of the fact that the section 403(d) (3) of title 50 of the United States Code provides that the CIA "shall have no police, subpoena, law enforcement powers, or internal security functions"—

Mr. DEAN. Domestically.

Senator ERVIN. Yes; internal security functions.

Mr. DEAN. Yes; I was entirely aware of that. I was not specifically aware of the statute.

Senator ERVIN. Yet, despite the fact that the statute forbade the CIA exercising any internal security functions, here was a consolidation, in a sense, of activities or at least a coordination of activities of the CIA in the domestic intelligence field, was there not?

Mr. DEAN. Mr. Chairman, I believe what the CIA did in this instance was to share their own intelligence from a foreign nation that would have a domestic implication. They were a part because of their expertise in analysis and evaluation of intelligence to——

Senator ERVIN. And notwithstanding the fact that the statute gave them no internal security functions, they were called upon to evaluate domestic intelligence-gathering by other agencies?

Mr. DEAN. That is correct. Now, I am not familiar specifically with how the evaluation group operated at all as to the mechanics of that. But they were a part of the group, yes, sir.

Senator ERVIN. As a lawyer, do you know of any statute which gives the White House the power to set up interagency units of this kind?

Mr. DEAN. I do not know of any statute, no, sir.

Senator ERVIN. Now, the memo from Mr. Haldeman to Mr. Huston is dated the 14th day of July and states that the President has approved the recommendations made by Mr. Huston, does it not?

Mr. DEAN. That is correct.

Senator ERVIN. The President made a statement on May 20, I believe, to the effect that he rescinded this approval after 5 days. Do you recall that?

Mr. DEAN. It was late July when I came on and I do not recall whether it was rescinded or not.

Senator ERVIN. Now, on yesterday, Senator Weicker interrogated you about one of the documents that you turned over to Judge Sirica and Judge Sirica turned over to this committee, one dated September 18, 1970, which consisted of a memorandum from you to the Attorney General——

Mr. DEAN. Yes, sir.

Senator ERVIN [continuing]. In which you recommended the setting up of this interagency evaluation unit.

Mr. DEAN. That is correct. I might add that when Mr. Mitchell and I talked about that, we decided that with Mr. Haldeman and others being aware of this, we thought this might satisfy the needs and the requests at the time to do something.

I also recall that the liaison between the FBI and other intelligence agencies had really broken down. I believe Mr. Hoover had withdrawn all of his liaison relationships with everyone except the White House and Mr. Mitchell hoped that this might be a vehicle to start getting the FBI dealing with the agencies, because there are, of course, quite proper and natural reasons to have liaison amongst the intelligence community.

Senator ERVIN. Anyway, do you know of any written document which tends to show that the President disapproved of or rescinded these plans which Mr. Haldeman said he had approved on the 14th of July?

Mr. DEAN. No, sir; I have never seen such a document.

Senator ERVIN. Now, after Mr. Huston left the White House, you had some responsibility in this field, did you not?

Mr. DEAN. That is correct.

Senator ERVIN. Did you ever receive any instruction from anybody to the effect that the President had rescinded these plans recommended by Mr. Huston?

Mr. DEAN. No. To the contrary, as this document indicates, on September 18, I was asked to see what I could do to get the first step started on the document. This was reflective of that effort.

Senator ERVIN. Now, virtually all of these papers were marked "Top Secret," were they not?

Mr. DEAN. That is correct.

Senator ERVIN. I do not know whether you are familiar with Executive Order No. 11652 dated March 8, 1972, which was published in 37 Federal Register, page 5208. Section 1 of that shows that the only thing that can be classified on the basis of national security is information or material which requires protection against unauthorized disclosure in the interest of national defense or foreign relations to the United States.

Mr. DEAN. I am aware of that. That was the result of the extreme over-classification of documents in the Government. If somebody wanted to get somebody's attention, I think, often they would put "Top Secret" on a memorandum and send it forward under that procedure with a big red stamp on it or something marked on it.

Senator ERVIN. Now, just for the sake of the record, the United States Code, title 18, in sections 793, 794, 795, 796, 797 clearly reveals what defense information is. The only statute I can find on the subject of classified information generally is that embodied in 18 USC 798, and there is nothing in any of these statutes that gives anybody any authority to classify information that relates to domestic intelligence or internal security.

Mr. DEAN. I believe there are some statutes back in title 50 with regard to the Atomic Energy Act that apply to this, but I am just thinking off the top—

Senator ERVIN. The Atomic Energy Act is designed to guard secrets relating to atomic energy.

Mr. DEAN. That is right. As I say—

Senator ERVIN. And has no relation to demonstrations or persons who attempt to petition the Government for redress of grievances in compliance with the first amendment.

Mr. DEAN. That is correct, Senator.

Senator ERVIN. Isn't it true to say that among some of the officials in the Committee To Re-Elect the President and the White House, there was a great complement of fear during 1970 and 1971?

Mr. DEAN. I would say there was a great concern about demonstrators. I think demonstrators were viewed as a political problem.

You used the word "fear." That connotes to me physical concern about them. As one who has walked with many demonstrators, to go out and get the pulls of the crowd, they are certainly not a fearsome group. There were some militants who were bent on, you know, destroying office buildings and breaking windows and things of that nature, the looters and the trashers and the groups like that. But I would not say—I would say there was a concern.

Senator ERVIN. Well, there are two kinds of fear. There is physical fear and intellectual fear. Don't you think there was an intellectual fear prevalent at that time among some people in the committee and



some people in the White House about Americans who undertook to exercise their first amendment right to petition for regress of grievances?

Mr. DEAN. I think that is correct when you put it in the political context.

Senator ERVIN. Well, all of this was in the political context; was it not?

Mr. DEAN. Yes, it was.

Senator ERVIN. Now, was not there a feeling there among some White House officials such as Mr. Colson, and perhaps among some in the Committee To Re-Elect the President, that every person who was not backing their efforts to reelect the President or who dissented from the programs of the President was an enemy?

Mr. DEAN. I think that many people who were most vocal and could command some audience in their dissent were considered opponents or enemies, yes.

Senator ERVIN. And that was applied to a great list of people, including some of the most distinguished commentators of the news media on the national scene; was it not?

Mr. DEAN. Yes, sir.

Senator ERVIN. Not only that, yesterday a document was put in evidence and identified by you, as I recall, as coming from Mr. Colson's office, entitled "Opponent Priority Activity." On page 3 of that document it has this, among the opponent priority activity, No. 14,\* Samuel M. Lambert, L-a-m-b-e-r-t, president, National Education Association, "Has taken us on vis-a-vis Federal aid to parochial schools, a 1972 issue."

Didn't those in the White House interested in President Nixon's reelection and then the reelection committee classify among their enemies people who dissented from President Nixon's programs?

Mr. DEAN. As I say, those who were able to command audience were singled out.

Senator ERVIN. Here is a man listed among the opponents or the enemies whose only offense is that he believed in the first amendment and shared Thomas Jefferson's conviction as expressed in the Virginia statute for religious freedom that to compel a man to make contributions of money for the dissemination of religious opinions he disbelieves is sinful and tyrannical. Isn't that true?

Mr. DEAN. I cannot disagree with the chairman at all.

Senator ERVIN. So we have here plans to violate the fourth amendment, which were approved by the President according to Mr. Halde- man; we have people being branded enemies whose mere offense is that they believed in enforcing the first amendment as proclaimed by the Supreme Court of the United States just about a week ago.

Mr. DEAN. That is correct.

Senator ERVIN. Yes.

I was very much intrigued by Mr. Buzhardt's document and I would like to invite your attention to page 8, the statement he makes on there.

Mr. McCANDLESS. Mr. Chairman, he does not have the Buzhardt document, so-called.

Senator ERVIN. I can read this very short statement:

"In February, however, with the Ervin committee beginning its work, the President was concerned that all the available facts be made known."

\*See p. 1696.

And also a statement on page 10 to the effect that "during this period, the point was frequently raised by various people, including primarily the President, that the whole story of the Watergate should be made public."

Do you know any action that the President took subsequent to the establishment of this committee and prior to the time this committee started to function which showed his concern that all the available facts with respect to the Watergate be made known?

Mr. DEAN. Mr. Chairman, I must testify to the contrary, that I think some of the documents that I have submitted regarding Mr. Haldeman's specific instructions to me on dealing with what was called the Watergate tactics and then the subsequent La Costa meeting, which occurred on June 11 and 12, the subsequent meetings where there were efforts to woo members of this committee, the discussions of executive privilege to prevent the testimony of people from the White House, could well be concluded to evidence quite the contrary intention.

Senator ERVIN. Now, you have testified about a September 15 meeting with the President. When was that meeting held with respect to the time that the bills of indictment were handed down in the original criminal action?

Mr. DEAN. As I recall the meeting, it was in the late afternoon. I believe the President was just about to leave to go somewhere and in fact, the helicopter might have even landed during the very end of the meeting. I don't know where at this point in time he was going. I remember we continued to chat on. We had gotten into the subject of the book I was reading at that time, which was Inside Australia. We were discussing Australians while we were waiting.

The indictments had been handed down or announced far earlier in the day and had been running on the wires all day.

Senator ERVIN. Now isn't it true that a short time after the break-in, the news media carried information to the effect that five burglars had been caught in the Democratic National Headquarters in the Watergate, and that four of the burglars had money in their pockets which came from the Committee To Re-Elect the President?

Mr. DEAN. I don't believe that was reported immediately, but shortly thereafter, it was; yes.

Senator ERVIN. And notwithstanding that fact, was it not revealed shortly thereafter that this money had been paid to Mr. Liddy by Mr. Sloan at the instigation of Mr. Magruder and with the consent of Mr. Stans and Mr. Mitchell?

Mr. DEAN. I believe that is correct.

Senator ERVIN. Yes.

Do you not agree with me that these facts indicated that there were footsteps which went from the Watergate right into the Committee To Re-Elect the President?

Mr. DEAN. There is no doubt about that.

Senator ERVIN. Yet nobody in the committee except Mr. Liddy and Mr. Hunt were indicted.

Mr. DEAN. That is correct.

Senator ERVIN. And had it not been that Mr. Magruder had resorted, to your knowledge, in his testimony before the grand jury to perjury to keep the grand jury from implicating him and others—

Mr. DEAN. That is correct.

Senator ERVIN. And so this meeting in which the President said that Bob Haldeman had told him about your activities was held in the office of the President right after it had been announced that the indictments had stopped with Mr. Liddy and Mr. Hunt and Mr. McCord?

Mr. DEAN. That is correct, and there had been discussion within the White House of this very strategy of stopping them at, or stopping the case at Mr. Liddy and there was an awareness of the fact that Mr. Magruder was going to have to perjure himself to have that accomplished.

Senator ERVIN. Do you know of any action that the President took at any time between the 17th day of June until the establishment of this committee and until February that is mentioned here by Mr. Buzhardt, to have the facts concerning this matter discovered?

Mr. DEAN. I do know that after the election there was discussion with Mr. Haldeman in his office in which Mr. Haldeman said that the President would like to lay out some of the facts and we discussed what the implications of those facts would be, and when I said that I felt that—well, I did not know everything that had happened in advance, I did know what had happened since June 17, and I thought that as a result of those activities that Haldeman, Ehrlichman, and Dean and I might have mentioned some other at that time also, could be indicted, Mr. Haldeman's response, which I can remember very clearly because it stuck in my mind, he said, "That does not seem like a very viable option, does it?"

Senator ERVIN. Now, the truth is that during this period of time that the FBI was giving you, that is, Mr. Gray was permitting you to receive some FBI reports.

Mr. DEAN. What occurred, as I recall, there were two deliveries where I returned the first group of files that I had received back in his attaché case to him, and then picked up another bunch of documents subsequently, and then returned those later, and it has only been through press accounts that I learned that I received some 82 out of the 160 total documents.

Senator ERVIN. Now, at whose instance did you contact the CIA; that is, General Walters?

Mr. DEAN. After discussing this with Mr. Ehrlichman, he thought that I should explore the possible use of the CIA with regard to assisting in supporting in dealing with the individuals who had been involved in the incident.

Senator ERVIN. So, an effort was made to involve the CIA. Also the FBI, Mr. Gray, destroyed some documents which came from Mr. Hunt's safe, did he not?

Mr. DEAN. That is correct.

Senator ERVIN. And also, it was suggested by those in charge of things, who were concerned about these so-called enemies, that the processes of the Internal Revenue Service should be perverted and prostituted in order to harrass people who were enemies as viewed by the White House and the Committee To Re-Elect the President?

Mr. DEAN. That is correct. I might add also in addition to the harrassment through tax audits there were a number of memorandums I received from Mr. Colson regarding the tax-exemption status of groups that did have tax exemptions that were opposed to Presidential policy. Now, my files would contain those, I do not have them in my possession.

A review of my files would indicate that 99 out of a 100 times when one of these would come down it would go right in the file and go no further.

Senator ERVIN. Now, returning to Mr. Buzhardt's assertion that the President was desirous, beginning in September, to have all of the facts revealed after the establishment of this committee, will you tell us again what meetings were had in the White House with respect to this committee, and who was present?

Mr. DEAN. With dealing with this committee?

Senator ERVIN. Yes.

Mr. DEAN. With respect to the President or the leading up to that as well?

Senator ERVIN. Well, I am particularly interested in the President, since Mr. Buzhardt says he was anxious that all facts be revealed.

Mr. DEAN. Well, it was when the President was in San Clemente, and I arrived on the—left on the 9th, was out there on the 10th and 11th for meetings, I recall that—of February of this year, I recall that Mr. Haldeman departed the meeting once or twice and he finally told the President what we were meeting on while we were out there.

We left there and went to, down to La Costa where the meetings proceeded and there we had the remainder of the 2 days of discussions about how to deal with this committee. During the course of the meetings at one point in time, as I had mentioned earlier, there was an assessment made by Mr. Ehrlichman, there had been disappointment that they had not been able to influence the selection of the committee, there had been disappointment that they had not been able to amend successfully your resolution to put a bipartisan—you know, have equal representation between Republicans and Democrats; that the floor amendments that had been offered had been defeated. They—some of these are evidenced in the memorandum from Mr. Haldeman that is in the exhibit I submitted.

Senator ERVIN. To make the testimony about that short, was that one of the times you said that the consensus was there should be an effort to show, to claim open cooperation with the committee but an effort to impede it from discovering the truth?

Mr. DEAN. I would call the chairman's attention to the exhibit regarding the meeting with the Attorney General where there was great concern that this committee might uncover additional criminal activity. There was also a very strained relationship at that point in time between the Attorney General and Mr. Haldeman and Mr. Ehrlichman. I was asked to prepare an agenda for the President to woo the President or have the President woo the Attorney General back into the family. The President was aware of the problem, and there is also spelled out somewhat in the agenda that was submitted to him, I believe, on February 22.

Senator ERVIN. Now, returning to the President's desire about the truth, you spoke of some meeting that the President attended in which, after a press conference, he wondered if the committee was going to swallow the bait he had put out in the press conference about a court decision?

Mr. DEAN. That was on St. Patrick's Day.

Senator ERVIN. That was—St. Patrick's Day is the 17th, I believe. Now, before that, the President had a press conference, did he not, on

March 12, 1973, which was approximately a month after Mr. Buzhardt said in his statement that the President was anxious that the facts be revealed, and I will ask you if at this press conference he did not say, and I quote from Presidential documents: "A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for formal appearance before a committee of the Congress."

Are you familiar with that press conference?

Mr. DEAN. I recall hearing that at the press conference, yes.

Senator ERVIN. "At the same time it will continue to be my policy to provide all these and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the constitutional separation of the branches." I believe that was the thing that provoked my statement that I was not going to let anybody come down to see me, travel by night like Nicodemus and whisper in my ear something that he was not willing for all of the American people to hear. [Laughter.]

Now, at the press conference on March 15, 1973, this question was asked: "Mr. President, does your offer to cooperate with the Ervin committee include the possibility that you would allow your aides to testify before his committee. And if it does not, would you be willing to comply with a court order if Ervin went to court to get one that required some testimony from White House aides."

"The President: In answer to your first part of the question, the statement that I made yesterday answered that completely—not yesterday, the 12th I think it was—my statement on executive privilege. Members of the White House staff will not appear before a committee of Congress in any formal session."

Then skipping "We will furnish information under the proper circumstances. We will consider each matter on a case-by-case basis."

"With regard to the second point that is not before us, let us say, however, that if the Senate feels at this time that this matter of separation of powers were, as I said, this administration has been more forthcoming than any Democratic administration I know of. If the Senate feels that they want a test case, we would welcome it. Perhaps this is the time to have the highest court of this land make a definitive decision with regard to this matter. I am not suggesting that we are asking for it, but I would suggest that if the Members of the Senate in their wisdom decide that they want to test this matter in court we will, of course, present our side of the case and we think that the Supreme Court will uphold, as it always usually has, the great constitutional principle of separation of powers rather than to uphold the Senate."

Now was that the bait that the President mentioned in the meeting on the St. Patrick's Day?

Mr. DEAN. That is correct.

Senator ERVIN. And the President discussed again on St. Patrick's Day he was not willing for any of his aides, past or present, to appear before the committee and give testimony in person.

Mr. DEAN. Well, we had discussed that before he made that statement, Mr. Chairman, that he certainly did not want Mr. Haldeman and Mr. Ehrlichman coming up here before the committee nor did he want me appearing before this committee.

Senator ERVIN. And this was on the 15th and the 17th day of March, about a month after Mr. Buzhardt says that the President was anxious for all the facts to be revealed.

Do you know how facts can be revealed except by people who know something about those facts? [Laughter.]

Mr. DEAN. No, sir, I do not. I think that the theory that was developing was that to take the very hard line initially and back down to written interrogatories. But that would be the bottom line. I believe that was as far as the President was willing to go because he felt that written statements could be handled and quite obviously it is much easier to prepare a written brief of a situation than it is to submit yourself to cross-examination.

Senator ERVIN. And a written statement can be written to conceal as well as to reveal facts, can't it?

Mr. DEAN. That is absolutely correct and I think—

Senator ERVIN. I believe you discussed at that time the assertion that I made I was not willing to accept written statements because you cannot cross-examine a written statement.

Mr. DEAN. Yes; and I had discussion with the President about that very statement.

Senator ERVIN. Just one other matter. Article II of the Constitution says, in defining the power of the President, section 3 of article II, "He"—that is the President—"shall take care that the laws be faithfully executed."

Do you know anything that the President did or said at any time between June 17 and the present moment to perform his duty to see that the laws are faithfully executed in respect to what is called the Watergate affair?

Mr. DEAN. Mr. Chairman, I have given the facts as I know them and I don't—I would rather be excused from drawing my own conclusions on that at this point in time.

Senator ERVIN. Now, you have been asked several questions about your credibility. I will ask you as a lawyer if the experience of the English-speaking race, both in its legislative bodies and in its courts, has not demonstrated that the only reliable way in which the credibility of a witness can be tested is for that witness to be interrogated upon oath and have his credibility determined not only by what he says but by his conduct and demeanor while he is saying it and also by whether his testimony is corroborated or not corroborated by other witnesses?

Mr. DEAN. That is correct.

Senator ERVIN. Is there any way whatsoever to test the credibility of anybody when the credibility has to be judged merely upon the basis of a written statement?

Mr. DEAN. No, sir.

Senator ERVIN. Thank you very much.

The committee will stand in recess until 2 o'clock.

[Thereupon, at 12:25 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

## AFTERNOON SESSION, THURSDAY, JUNE 28, 1973

Senator ERVIN. I handed you an exhibit (34-5) from your stock-brokers.

Mr. DEAN. That is correct.

Senator ERVIN. I wish you would give me the date of that exhibit and what it shows.

Mr. DEAN. The document is from Shearson and Hamill, and Co. The date appears to be the month of October.

Senator ERVIN. What year?

Mr. DEAN. Of 1972. And it indicates various transactions that occurred at that time, and indicates that the balance brought forward in the credit line at that point in time was \$26,000, \$26,167 and it has the new net balance at \$26,229, I believe it is 99, it is hard to read from the copy I have here.

Senator ERVIN. So it shows that at that time, you had assets to have replaced the \$4,850 that you borrowed from the funds that had been delivered to you?

Mr. DEAN. Yes, sir.

Senator ERVIN. Thank you.

Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

Senator ERVIN. First, I want to thank you for swapping places with me so I can fulfill an engagement later. Thank you very much.

Senator BAKER. Mr. Chairman, there is no way on earth I can swap places with you. But I thank you for that and I am happy to relinquish my place in the sequence of questioning so that you could complete your very, very thorough and very, very important line of questioning this morning.

I was about to say, Mr. Dean, that you have been a very patient witness, and very thorough. You presented us with a great mass of information, almost 250 pages in your written statement of voluminous testimony in response to the interrogation of members of this committee, and we are very grateful.

Some of the specific allegations that you make in your testimony are at least prima facie extraordinarily important. The net sum of your testimony is fairly mind-boggling. It is not my purpose in these questions that are about to follow to do what would ordinarily be the expected function of a committee member, to try to test your testimony. I think that you have been subjected to a rather rigid examination by my colleagues on the committee thus far and, of course, your testimony and its credibility, its importance and relevance, will fall into place not only in terms of its own significance but in terms of its relationship to the testimony of other witnesses.

You are a lawyer, Mr. Dean, and I need not go into a long preamble about what I am about to do. But so that you understand what I am trying to do, I will give you some brief explanation in advance.

As I said just a moment ago, it is not my purpose now to try to test your testimony. It is not my purpose to try to impeach your testimony, to corroborate your testimony, to elaborate or extend particular aspects of it, but rather to try to structure your testimony so that we have a coherent presentation against which we can measure the testimony of other witnesses heretofore given, and the testimony of other witnesses later to appear and, of course, against whatever other information the

committee can gather from circumstantial evidence, from whatever source.

It occurs to me that at this point, the central question, and in no way in derogation of the importance of the great volume of material and the implications that flow from it, but the central question at this point is simply put. What did the President know and when did he know it?

In trying to structure your testimony I would ask that you give attention to three categories of information: That information that you can impart to the committee that you know of your own personal knowledge; that type of information that we lawyers refer to as circumstantial evidence, which would include evidence given based on your opinion or on inferences you draw from circumstances in the situation; and, third, that type of evidence that ordinarily would not be admitted in a court of law but is admitted here for whatever purpose it may serve, that is hearsay evidence or evidence about which you have only secondhand information.

I would hope, though, that in this third category, that is in terms of hearsay evidence or secondhand information, we would try, you and I, to limit the scope of that to situations which may be further ventilated by the testimony of other witnesses on the roster of witnesses to appear before this committee because if we range too far, there is no way that we can compare and assess and evaluate the importance of that testimony. But I want it and I would like to divide the information then as we go along into three parts, that is, direct evidence, circumstantial evidence, and hearsay or secondhand information.

I am in no way criticizing your testimony, I think you really have been a very remarkable witness.

Mr. DEAN. Mr. Vice Chairman, I might say this, in preparing my testimony I made a very conscious effort to not write a brief against any man but merely to state facts sequentially as close as I could. By sequentially some things it was necessary to follow forward to explain a given sequence of events to bring the matter into a time sequence but I did not by design try to write a brief or a document that focused in on any individual or any set of circumstances surrounding any individual. Rather, laid them out in the totality of their context.

Senator BAKER. I understand that, Mr. Dean, and I really do hope you understand that what I am saying to you is not a criticism of you nor any implication of criticism. Rather instead you have presented us with a sequential presentation, and I am trying to convert it into an organized presentation, according to categories and to the quality and scope of the information that you possess. So please believe me, I am not trying to attack your testimony but rather to organize it for our own committee purpose.

Now, there is one other thing I would like to say and it may or may not be possible to do this, and again I am not being critical of you as a witness. As I said just a moment ago I think you have been a very remarkable witness. When I used to practice law, I used to call on the trial judge from time to time to instruct the witness to first answer the question and then to explain it. So I hope I can keep my questions brief and I hope you might preface your answers with a yes or no, if that is possible, and then whatever explanation you wish.

Mr. DEAN. Certainly.



Senator BAKER. It is not meant to be an entrapment, nor a "do you still beat your wife" question, answer yes or no. But it is meant to try to advance the cause of factfinding.

Under the heading of what did the President know and when did he know it falls into several subdivisions. The first one is the break-in at the Democratic National Committee headquarters of the Watergate complex on the morning of June 17, 1972.

Do you know what the President knew of that in advance?

Mr. DEAN. I do not.

Senator BAKER. Do you have any information that he did know of it?

Mr. DEAN. I only know that I learned upon my return to the office that events had occurred that indicated that calls had come from Key Biscayne to Washington to Mr. Strachan to destroy incriminating documents in the possession of Mr. Haldeman.

Senator BAKER. The question is, I hope, not impossibly narrow but your testimony touches many people. It touches Mr. Ehrlichman, Mr. Haldeman, Mr. Colson, Mr. Mitchell, Mr. Dean, and many others. But I am trying to focus on the President.

Mr. DEAN. I understand.

Senator BAKER. What did the President know and when did he know it?

Is it possible for you, based on direct knowledge or circumstantial information, and you have given us an indication of circumstances, or even hearsay, to tell us whether or not you can shed any further light on whether the President knew or, in the parlance of tort law, should have known of the break-in at the Watergate complex on June 17?

Mr. DEAN. You mean, could he have prior knowledge of it?

Senator BAKER. Yes.

Mr. DEAN. I cannot testify of any firsthand knowledge of that. I can only testify as to the fact that anything that came to Mr. Haldeman's attention of any importance was generally passed to the President by Mr. Haldeman, and if Mr. Haldeman had advance knowledge or had received advance indications it would be my assumption that that had been passed along but I do not know that for a fact.

Senator BAKER. So that would fall into category 2 of my organization.

Mr. DEAN. Yes, sir.

Senator BAKER. That is an inference that you do draw from the arrangements of the organization of the White House and your knowledge of the relationships, the relationship of Mr. Haldeman and the President.

Mr. DEAN. That is correct.

Senator BAKER. But it does not fall in category 1 or 3 which is to say direct knowledge or hearsay information from other parties.

Mr. DEAN. That is correct.

Senator BAKER. The coverup is the second heading and, of course, the coverup embraces and involves so many things and so many people over such a span of time that it is difficult really to place it in a single category but I would like to try.

What did the President know and when did he know it about the coverup. You have already testified about this, Mr. Dean, and I understand, I believe, the burden of your testimony, the thrust of your testimony, but for the sake of clarity, and understanding and organization

of this record, tell me briefly: based on your personal knowledge, based on circumstantial evidence or based even on hearsay, what the President knew and when he first knew it.

Mr. DEAN. I would have to start back from personal knowledge and that would be when I had a meeting on September 15 when we discussed what was very clear to me in terms of coverup. We discussed in terms of delaying lawsuits, compliments to me on my efforts to that point. Discussed timing and trials, because we didn't want them to occur before the election. That was direct conversation that I testified to.

Now, going back from September 15, back to the June 17 time, I believe I have testified to countless occasions in which I have—I reported information to Mr. Haldeman and Mr. Ehrlichman, made recommendations to them regarding Mr. Magruder, I was aware of the fact that often Mr. Haldeman took notes, I know that Mr. Haldeman met daily with the President, I was quite aware of the fact that this was one of the most important and virtually the only issue that was really developing at all, and given the normal reporting channels I worked through it was my assumption, without questioning, that this was going in to the President.

Now, at what point in time this was that Mr. Haldeman discussed this with the President, I have no idea.

Senator BAKER. If I understand you correctly, you say that based on inference drawn from your knowledge of the White House organization and relationships, you surmised that the President knew of the situation from June 17 until September 15 in some degree, but that you have no personal knowledge of that.

Mr. DEAN. Well, I am sure of this, that there were press releases put out within a short time after the incident. There must have been discussion in Florida, while they were still in Florida, about how to handle this. Some of the early press releases, as I recall, indicated immediately before I had even talked to anybody or done anything that this was something that didn't involve the White House in any way.

Senator BAKER. But once again, simply searching for an organizational format, these conclusions or inferences on your part are based on your knowledge of the White House organization and not on direct information of any personal kind—

Mr. DEAN. That is right, pending on almost 3 years at the White House.

Senator BAKER. Which is an important circumstance and I am not trying to discredit that. I am simply trying to isolate and define the quality of the testimony.

Mr. DEAN. I understand.

Senator BAKER. I don't mean to say that the quality of its desirability, but the quality of a technical sense; was it direct information, circumstantial information, was it an inference or a conclusion based on a valid set of circumstances, that is, a situation at the White House, or it is a pure, plain, guess. So you have been very helpful in that respect.

Let me try to restate it, then. From the very first moments after the break-in on June 17, 1972, and based on a number of factors, including the fact that press releases issued from, I believe you said Key Biscayne—

Mr. DEAN. That is correct.

Senator BAKER. Based on your knowledge and understanding of the White House organization and the relationship between Mr. Haldeman and the President, you draw an inference that the President knew something between June 17 and September 15.

Mr. DEAN. Well, I also am aware of the fact that there were a flurry of telephone calls between Mr. Ehrlichman and Mr. Haldeman as to some of the things I was telling Mr. Ehrlichman in Washington after I did come back on the 19th, and he was calling Mr. Haldeman in Florida, who was still in Florida at that time.

Senator BAKER. In any of this—and I am not trying on construct an edifice that will end up defending the President. I have stated before it is not my purpose to defend or prosecute the President or any witness, but only for the purpose of establishing the quality and the scope of the testimony. In any event, your personal feelings that the President knew something between June 17 and September 15 is based on category 2; that is, circumstantial evidence and inferences based on your knowledge and relationships in the organization.

Mr. DEAN. Given the events that had occurred over the weekend while I was not there and the events that occurred on Monday, and before I met with the Attorney General on either late Monday or Tuesday, whenever I had my first meeting with him, I was deeply concerned initially that this went right to the President or certainly to other persons above myself on the White House staff.

Senator BAKER. I understand your concern, and I think it was an understandable concern. But what I am struggling to establish is whether that concern was based on something other than what you have just testified to.

Mr. DEAN. As I have testified, you know, I had not talked to the President at this point in time and did not talk to him until September 15. So all of the knowledge I have between June 17 or June 19, actually, when I came back, and September 15 was through the fact of the things I was reporting to Mr. Haldeman, Mr. Ehrlichman, my awareness of the fact that they were meeting with the President, the fact that Mr. Haldeman often took notes. That is the basis of my knowledge at that point in time.

Senator BAKER. Did anything occur that we would put in category 3—that is, hearsay information or documentary evidence not firsthand, that would shed any further light on the state of the President's knowledge during the period June 17 to September 15, 1972?

Mr. DEAN. Yes. I have submitted a document to the committee in which the President was very anxious to have counteractions against the suits that were becoming a problem, the lawsuits filed by the Democrats. It was a very active investigation being pursued through discovery procedures. These were the only headlines that were being made, because as the investigation by the Department of Justice and the FBI was winding down, this was the new phase. This prompted me to receive direct requests, Presidential requests, through Mr. Haldeman and Mr. Colson, which resulted in the memorandum I sent back in to the President.

Ultimately it went to the President, and I was told to follow up on that memorandum. That is one of the exhibits that has been submitted to the committee.

Senator BAKER. Can you recall offhand or can your counsel help you tell us what that exhibit number is or what that exhibit might be?

Mr. DEAN. I can find it very quickly for you here. That is exhibit No. 34-19.

Senator BAKER. Do you have that exhibit before you, Mr. Dean?

Mr. DEAN. Yes, I do. The first part of the exhibit is a preliminary memorandum that was prepared by Mr. Parkinson at my request. I asked him to send it when I had the request made of me. Following conversations I had had with Mr. Parkinson, I modified his memorandum and sent the memorandum of September 12 in to the President, or in to Mr. Haldeman. You will note a "P" up in the right-hand corner, which was checked, which indicates—it is my understanding of the White House procedures that it was sent either directly to the President or reviewed directly by Mr. Haldeman with the President, that they went over it.

Senator BAKER. To make sure we have the same exhibit before us, I have exhibit No. 34-19\*, the first page of which is entitled "Counter Actions," dated September 11, 1972.

Mr. DEAN. That is correct. You will have to go to the back part of that.

Senator BAKER. Consisting of four pages signed by Kenneth Wells Parkinson, then a letter on White House stationery dated September 12, 1972, the first line of which reads, "Administratively confidential for Haldeman from Ken," consisting of four pages.

Are we reading from the same script?

Mr. DEAN. That is correct.

Senator BAKER. All right.

Now, this is additional information bearing on the President's knowledge of the coverup from June 17 to September 15, 1972.

Mr. DEAN. That is correct.

Senator BAKER. All right, sir. It consists of some 8 or 10 pages. We can read it if you like. It would be much easier, I expect, if you would simply point out those sections relative to the President's knowledge.

Mr. DEAN. This memorandum going in to the President—I received instructions back that all of the actions in here were something that should be followed up on and that was done.

Senator BAKER. So you are referring now to the second half of the exhibit, which is the White House memorandum?

Mr. DEAN. That is correct.

Senator BAKER. And the allegations made fall under the headings in the memo of "Complaint for malicious abuse of process." What is that?

Mr. DEAN. This is one of several counteractions. This was an action to be filed by the Committee for the Re-Election of the President and the finance committee against Mr. O'Brien.

Senator BAKER. Alleging that they were violating the rights and privileges of discovery in civil suits for an ulterior purpose.

Mr. DEAN. That their basic action was unfounded in its—

Senator BAKER. Was that suit ever filed, Mr. Dean?

Mr. DEAN. Yes, it was.

Senator BAKER. What was the disposition of it?

Mr. DEAN. It is still in litigation.

\*Exhibit 34-19 was published in Book 3.

Senator BAKER. And the second heading—incidentally, I don't mean to cut you off.

Mr. DEAN. As a part of that, you will note there is a note on page 2:

Depositions are presently being taken of members of the DNC by defense counsel in the O'Brien suit. These are wide ranging and will cover everything from Larry O'Brien's sources of income while Chairman of the DNC to certain sexual activities of employees of the DNC. They should cause considerable problems for those being deposed.

I would like to add something, that shortly——

Mr. BAKER. Did you file that suit?

Mr. DEAN. No, sir, I did not file that suit.

Senator BAKER. Who did?

Mr. DEAN. The reelection committee.

Senator BAKER. Were those allegations made?

Mr. DEAN. No, they were not. That was a part of the deposition——

Senator BAKER. Of the discovery——

Mr. DEAN [continuing]. The discovery area.

Senator BAKER. Were those areas covered in discovery after the fighting of the suit?

Mr. DEAN. I have no knowledge of whether they were or not.

Senator BAKER. I am sorry, go ahead, sir.

Mr. DEAN. This has recalled to me something that I—I earlier indicated that there had been a longstanding interest in Mr. O'Brien. Some of the documents that I have submitted in exhibits 34-6, 34-7, or 34-8\*—I do not recall which one off the top—deals directly with Mr. O'Brien.

I recall that the line that is drawn beside that note is Mr. Haldeman's marking.

Senator BAKER. This is on page 2 of the second half of the exhibit?

Mr. DEAN. That is correct. Some time before this, he had told me in a discussion, a rather casual discussion when we were talking about who was likely to be Mr. McGovern's, Senator McGovern's campaign manager, and there was speculation that it was going to be Mr. O'Brien, I recall Mr. Haldeman telling me that he certainly hoped it would be, because we have got some really good information on him. I believe he was referring to tax information at that time.

Senator BAKER. Referring to what, sir?

Mr. DEAN. Tax information.

Senator BAKER. And this was Mr. Haldeman who said this?

Mr. DEAN. That is correct.

Senator BAKER. Do you remember when he said that?

Mr. DEAN. It was some time after Mr. McGovern had been nominated and before he had made his final selection for his campaign manager.

Senator BAKER. Which would have been, then, probably, in the early fall of 1972. As I recall, it was September before Mr. O'Brien was designated as campaign chairman. That is not important. It was in that time.

Mr. DEAN. That is correct.

Senator BAKER. Now, let us see, the second heading—before I get to the second heading, on page 11 of the second part of the exhibit, did I understand you to say that the penciled or pened capital "P"

\*These exhibits were for identification only and were not published.

apparently with the checkmark through it is a White House designation that the document was seen or known of by the President?

Mr. DEAN. That is correct.

Senator BAKER. Do you know this of your own knowledge?

Mr. DEAN. Yes, I do.

Senator BAKER. The second half of that memorandum is entitled "Complaint for Libel, Stans Versus O'Brien." What did that mean?

Mr. DEAN. Well, that was an action being filed, a counteroffensive, again as part of the counteractions that were being requested as a result of its occurrence, that before an amended complaint had been filed with the district court, that the amended complaint, which charged Mr. Stans had funded the Watergate incident with the \$114,000 checks for Mr. Barker was alleged in the complaint of the amended complaint—the amended complaint was distributed to the press before it was filed, so it had no privilege. I do not know if it was ultimately filed or not, but based on that, the reelection committee lawyers thought they had a very good libel action for using the processes in that manner.

Senator BAKER. Was that suit, in fact, filed?

Mr. DEAN. Yes, it was.

Senator BAKER. Do you know who filed it?

Mr. DEAN. The reelection committee lawyers filed it on Mr. Stans' behalf.

Senator BAKER. Do you know what the present status of that litigation is?

Mr. DEAN. That is still in litigation. All of these cases have been consolidated in, I believe in Judge Richey's court.

Senator BAKER. Here in the District?

Mr. DEAN. Yes, here in the District.

Senator BAKER. I think we take really a great deal more time than we ought to if we try to go through each item, but let me try to refocus now on this exhibit for the purposes of this moment.

What in this exhibit sheds any further light or implies any further information about the scope and extent, if any, of the President's knowledge of the coverup post-June 17, 1972. I understand, before you answer, that so far you have suggested that the President, seeing and approving this memorandum which deals with a series of civil suits and certain other actions to be taken, implies that there was at least to be a counteraction and a backfire, if you please, but in what respect does this give us further insight into the President's knowledge of a coverup of the Watergate break-in?

Mr. DEAN. Well, I am not sure I understand the Senator's definition of coverup. As I think I have laid out in my testimony, the coverup was something that had a broad range. Anything that might cause any problem at all in relationship to the Watergate came within the coverup.

Senator BAKER. I understand. That is not really a very good way to put it. Let me narrow it even further. What in this document gives us any further insight or information about the President's knowledge, if any, post-June 17, 1972, about the apparent efforts to conceal the connection with and responsibility for the unlawful entry into the Democratic National Headquarters at the Watergate complex on the morning of June 17, 1972?

Mr. DEAN. Well, I can only surmise what I was told when asked for the document, and, as I say, I had a request from two people for the document in the President's behalf that the best defense is an offense, and this was an offensive effort.

Senator BAKER. All right. Is it fair to say, and I really am not trying to put words in your mouth, but rather to digest this information for my own purposes, that the documentary evidence that we have been referring to now, exhibit 34-19, indicates some knowledge by the President of an effort to establish countermeasures in terms of the total impact of Watergate; that is, countersuits, allegations for misuse of the discovery process, and other things of that sort?

Mr. DEAN. Well, he did not—these were conceived, these were not actions that he conceived. He asked that counteractions be taken. The request came to me, I in turn passed it on to the lawyers who were closest to it because some of the suggestions were just, you know, start filing suits, and I had advised Mr. Colson that I would not suggest filing any suit that was not well founded rather than rushing into court with some action that was not an action that would tie things up. This was particularly true of some of the statements of some of the individuals whose names were being speculated, that they file for libel. Now, libel results in both countersuits and counterdiscovery. Some of these people obviously could not withstand discovery. So that was why the suits, I thought, had to be well founded and had to be suits that counterdiscovery would not be a problem.

Senator BAKER. So, if I understand what you are saying now, while these documents do not bear on the isolated issue of the President's knowledge of the Watergate and what I call the coverup of the Watergate post-June 17, they do shed some light on at least the willingness to commence counteractions to avoid further prying into the situation at the White House; is that a fair statement?

Mr. DEAN. Yes, that is, Senator.

Senator BAKER. What other documentary evidence gives us any insight or information about the state of the President's knowledge of Watergate and the date on which he acquired it?

Mr. DEAN. We are talking now about pre-September 15?

Senator BAKER. Yes, we are still working our way up from June 17 to September 15.

Mr. DEAN. That is the only documentary evidence I have that, to my knowledge, is that document right there. As I say, there were not a lot of documents floating around on this subject.

Senator BAKER. There are a whole lot.

Mr. DEAN. Well, there were some but not—

Senator BAKER. OK.

Is there any other circumstantial evidence? You have alluded to the organization and relationships at the White House; is there any other circumstance that would give us any further insight or is there any category 3 information, that is, is there anything anyone has told you that would shed further light on what the President knew and when he knew it in this time frame from June 17 to September 15?

Mr. DEAN. Yes, as I say, on a number of occasions when I was in meetings with Mr. Haldeman or Mr. Ehrlichman, sometimes together, I can recall that the President would call for Mr. Haldeman, and Mr. Haldeman would send a message back to tell the President that he

was meeting with Dean, getting a report, and he would see him after that. This was always rather startling to me that my report was more important than Mr. Haldeman going right into the President's office.

Senator BAKER. So the unusual nature of that arrangement and circumstance led you to believe that there was some knowledge of the subject matters attendant to the Watergate affair by the President?

Mr. DEAN. That and another circumstance that I might add is that this, the coverup, consumed a great amount of time of Mr. Haldeman and Mr. Ehrlichman. They were spending a great deal of time in discussion with me, discussions amongst themselves, and this was probably the major thing that was occurring at this point in time.

Senator BAKER. Is there anything else now, because I want to move on to the September 15 meeting, in either of the three categories of testimony, of evidence, direct evidence, circumstantial evidence, inferences and hearsay? Is there anything else that you can think of at the moment and if you think of something later we will certainly add it but, is there anything you can think of at the moment that will give us further insight into what the President knew and when he knew it in this time frame, September—until September 15?

Mr. DEAN. I think I have expressed the highlights of that.

Senator BAKER. I think we are getting better at this thing now. I am trying to organize the structure of it. Let us take the September 15 meeting and let us analyze it rather very closely, if you will, Mr. Dean, and I understand this is necessarily redundant and that it has been covered at rather great length, but would you bear with me long enough to describe it in as much detail as you can conjure up the meeting of September 15 at present?

Mr. DEAN. I am sorry, Senator, I was reading some notes here and I did not—did you want me to repeat to you—

Senator BAKER. What I want to do now, we have had a general overview of the situation—

Mr. DEAN. Yes.

Senator BAKER. I am going to try now to focus entirely on the meeting of September 15.

Mr. DEAN. Right.

Senator BAKER. And I have an ambition to focus sharply on it in order to disclose as much information as possible about the September 15 meeting. What I want to do is to test, once again, not the credibility of your testimony, but the quality of the evidence, that is, is it direct evidence?

Mr. DEAN. I understand.

Senator BAKER. Hearsay evidence or any circumstantial evidence related to the September 15 meeting, so take a little time with it, if you will.

Mr. DEAN. All right.

During the morning of the 15th the indictments had been handed down. I think there was a general sigh of relief at the White House. I had no idea that I was going to be called to the President's office. Mr. Haldeman was quite aware of the fact that I had spent a great deal of time; he had spent a great deal of time, that Mr. Ehrlichman had spent a great deal of time, on this matter. In the late afternoon I received a call requesting I come to the President's office.

Senator BAKER. Do you know who made the call?



Mr. DEAN. The call came to my secretary, as I recall, and she said, "You have been asked to come to the oval office" so I do not recall who made the call but it was one of the secretaries who conveyed those types of messages.

Senator BAKER. All right, go ahead, sir.

Mr. DEAN. When I entered the office I can recall that—you have been in the office, you know the way there are two chairs at the side of the President's desk.

Senator BAKER. You are speaking of the oval office?

Mr. DEAN. Of the oval office. As you face the President on the left-hand chair Mr. Haldeman was sitting and they had obviously been immersed in a conversation and the President asked me to come in and I stood there for a moment.

He said, "Sit down" and I sat on a chair on the other side.

Senator BAKER. You sat in the right-hand chair?

Mr. DEAN. I sat on the right-hand chair.

Senator BAKER. That is the one he usually says no to, but go ahead.

Mr. DEAN. I was unaware of that. [Laughter.]

Senator BAKER. Go ahead, Mr. Dean.

Mr. DEAN. As I tried to describe in my statement, the reception was very warm and very cordial. There was some preliminary pleasantries, and then the next thing that I recall the President very clearly saying to me is that he had been told by Mr. Haldeman that he had been kept posted or made aware of my handling of the various aspects of the Watergate case and the fact that the case, you know, the indictments had now been handed down, no one in the White House had been indicted, they had stopped at Liddy.

Senator BAKER. Stop, stop, stop just for one second. Let's examine those particular words just for a second.

That no one in the White House had been indicted. Is that as near to the exact language—I don't know so I am not laying a trap for you, I just want to know.

Mr. DEAN. Yes, there was a reference to the fact the indictments had been handed down and it was quite obvious that no one in the White House had been indicted on the indictments that had been handed down.

Senator BAKER. Did he say that, though?

Mr. DEAN. Did he say that no one in the White House had been handed down? I can't recall it. I can recall a reference to the fact that the indictments were now handed down and he was aware of that and the status of the indictments and expressed what to me was a pleasure to the fact that it had stopped at Mr. Liddy.

Senator BAKER. Tell me what he said.

Mr. DEAN. Well, as I say, he told me I had done a good job—

Senator BAKER. No, let's talk about the pleasure. He expressed pleasure the indictments had stopped at Mr. Liddy.

Can you just for the purposes of our information tell me the language that he used?

Mr. DEAN. Senator, let me make it very clear the pleasure that it had stopped there is an inference of mine based on, as I told Senator Gurney yesterday, the impression I had as a result of the, of his, complimenting me.

Senator BAKER. Can you give us any information, can you give us any further insight into what the President said?

Mr. DEAN. Yes, I can recall he told me that he appreciated how difficult a job it had been for me.

Senator BAKER. Is that close to the exact language?

Mr. DEAN. Yes, that is close to the exact language. That stuck very clearly in my mind because I recall my response to that was that I didn't feel that I could take credit. I thought that others had done much more difficult things and by that I was referring to the fact that Mr. Magruder had perjured himself. [Laughter.] There was not an extended discussion from there as to any more of my involvement. I had been complimented. I told him I couldn't take the credit, and then we moved into a discussion of the status of the case.

Senator BAKER. Stop, before you get to the status, and let's lay that aside just for a second because I do want to hear about that, too, but this really, and I don't mean to be melodramatic, but this is really a terribly important moment in history. As you know, this meeting was in the afternoon in the oval office in Washington on September 15, 1972, and you were there, the President was there, and Mr. Haldeman.

Mr. DEAN. Mr. Haldeman was there.

Senator BAKER. What was the President's demeanor, what was his attitude, what was the expression on his face, the quality of his voice?

Mr. DEAN. Well, as I said, when I walked in it was very warm, very cordial. They were smiling, they were happy, they were relaxed. The President, I think I said earlier this morning, was about to go somewhere and I think that actually was delaying his departure to have this conversation with me. The fact that I had not been in to see the President other than on a rather mechanical activity before that dealing with his testamentary papers, indicated so clearly that Haldeman had thought that the President should compliment me for my handling of this matter, and that that was one of the reasons I probably had been called over, and the President had done it at Mr. Haldeman's request.

Senator BAKER. All right.

Now, tell us about, as you started to say before I interrupted you, the status of the case.

Mr. DEAN. All right.

He was interested in knowing if it was likely—well, let me, before I go on to that, let me say something else that I recall. When we talked about the fact that the indictments had been handed down, at some point, and after the compliment I told him at that point that we had managed, you know, that the matter had been contained, it had not come into the White House, I didn't say that, I said it had been contained.

Senator BAKER. Did you say anything beyond that it had been contained?

Mr. DEAN. No, I did not. I used that, I recall very clearly using that expression that it had been contained.

Senator BAKER. That is an important word, it has been contained.

Mr. DEAN. That is right.

Senator BAKER. What was the President's or Mr. Haldeman's reaction to that word because that is a rather significant word, I think.

Mr. DEAN. Well, I have got to say this, I wasn't studying the President's face or Mr. Haldeman's face at this time. I had not ever had a

one on one with the President before and must confess I was a little nervous in there. They were trying to make me as relaxed as possible, and make it as cordial as possible, but I was quite naturally nervous. There was a man who is the most important man in the Western World, and here I am having a conversation with him for the first time one on one, so I was not studying his reactions and it wasn't until I started meeting with him more frequently later that the tenor of our conversations changed and—

Senator BAKER. You see what I am driving at I am sure, Mr. Dean. If someone had said that the investigation has been contained it might evoke a question, that might create a startled look on one's face, it might be taken for granted, and that might be important to shed light.

Mr. DEAN. That is right.

Senator BAKER. On the state of the knowledge with the person with whom you were having the conversation.

Mr. DEAN. Everyone seemed to understand what I was talking about. It didn't evoke any questions and I was going on to say that I didn't think it could be contained indefinitely. I said that this is, you know, there are a lot of hurdles that have to be leaped down the road before it will definitely remain contained and I was trying to tell the President at that time that I was not sure the coverup even then would last indefinitely.

Senator BAKER. This, once again, is a terribly important area of inquiry, so let me interrupt you again and take you over it one more time. You told the President, I don't think it can continue to be contained?

Mr. DEAN. That is correct.

Senator BAKER. Are those close to your exact words?

Mr. DEAN. That is very close to my words, because I told him it had been contained to that point and I was not sure that it would be contained indefinitely.

Senator BAKER. What was his reaction to this?

Mr. DEAN. As I say, I don't recall any particular reaction.

Senator BAKER. Was there any statement by him or by Mr. Halde-man at that point on this statement?

Mr. DEAN. No, not to my recollection.

Senator BAKER. All right, go ahead.

Mr. DEAN. It was then we turned to the status of the litigation.

The criminal case, as I recall the sequence of the conversation, and he wanted to know when this matter was likely to come to trial. I told him very much would depend upon which judge the case was assigned to.

Senator BAKER. Go ahead.

Mr. DEAN. At that point, it had not been assigned to any judge at all.

Another point that came out, as I testified earlier in my conversation, was the fact that he alluded, told me for the first time that I had ever heard this, that shortly after he had assumed office, Mr. Hoover had been over to visit with him. He told me that Mr. Hoover had informed him that his 1968 campaign had been bugged and the President said, this is something that we may be able to use ourselves at some point down the road to explain the fact that we have been subject to the same type of activity.

Senator BAKER. Did you look into that?

Mr. DEAN. Not until many, many months later.

Senator BAKER. You have already testified to that conversation.

Mr. DEAN. Yes, I did.

Senator BAKER. Go ahead. I am sorry, Mr. Dean. Tell me anything else you can at all, no matter how minute, about the meeting of September 15.

Mr. DEAN. The next matter I recall is the fact that we did get into a discussion about the civil cases.

Senator BAKER. I am sorry, Mr. Dean. Thank you very much.

Mr. DEAN. The next thing that I recall occurred was a discussion that ensued about the civil cases. He asked me some questions about the civil cases and it was in the course of this conversation that I told him what I knew at that point in time about the status of the civil cases, where they were, and I knew because I was fairly familiar at that time with the precise status of the cases.

It was also as a result of this conversation that we got into a discussion, or I told him that I had learned from the lawyers at the reelection committee that they had been making or they had somebody who was making an ex parte contact with the judge who had jurisdiction over the principal suit of the greatest concern, which was the suit by Mr. O'Brien, Larry O'Brien and the DNC.

Senator BAKER. Is this, once again, close to the exact language you used?

Mr. DEAN. Yes, that was—I did not know who it was that was making the contacts at that time for certain, so I just told him that the lawyers at the reelection committee are making ex parte contacts or have made ex parte contacts and are hoping to get some favorable rulings.

Senator BAKER. Did the President make any remark at that point, or did Mr. Haldeman?

Mr. DEAN. I recall the President said something to the effect, well, that is helpful.

Senator BAKER. Is that close to his exact language?

Mr. DEAN. Yes, sir.

Senator BAKER. Is there anything else?

Mr. DEAN. We talked about the Common Cause suit as well and I told him that I didn't think it was any problem. This was a suit that was trying to bring or identify the donors or the contributors of some \$10 million of unidentified campaign moneys that had not been reported prior to April 7. The suit, I told him, I didn't think would be a problem because the lawyers at the reelection committee felt that they could tie this one up in discovery for quite a while.

Senator BAKER. What did the President say to that?

Mr. DEAN. I don't recall any specific comment to that. I think as we were going through some of these descriptions, I was just reporting as best I could and I don't recall him giving me what his reaction was at that point.

Senator BAKER. You understand why I am asking you these questions?

Mr. DEAN. Yes, I do.

Senator BAKER. All right. Now, I don't mean to shorten your description of the September 15 meeting, but for the sake of moving on, were there other important matters discussed at that time?

Mr. DEAN. Well, yes, the matter of the Patman hearing did come up, because the President was aware of that, I assume, from his news summaries or the newspapers, that there was likely to be congressional inquiry on the House side. He asked me who was handling that. I told him that Richard Cook, a member of the congressional relations staff, who had worked with the Patman committee at one point in time, was doing the principal work on it. He then told me that Mr. Timmons should be spending his time and get on top of it, something of that—that would be very close to the language he used.

Senator BAKER. Mr. Dean, excuse me. I see we have a vote signal from the Senate. The committee will stand in recess until we return.

[Recess.]

Senator BAKER. The committee will come to order.

The chairman was necessarily called away for the rest of the afternoon. For the information of the committee, I might indicate that he requested that we run as long as practical, and that we continue with present rotation arrangements, so as soon as I can conclude my queries I will yield then to Senator Montoya and after that to Senator Weicker.

Mr. Dean, do you have any objection if we try to go, say, until a few minutes before 6 tonight?

Mr. DEAN. I will hold up as long as I can, Senator.

Senator BAKER. If you need a break or would like to break in the course of things, if you would let me know I would be happy to do that.

Mr. Dean, have we finished with the delineation of the September 15 meeting?

Mr. DEAN. No, I do not believe we have.

Senator BAKER. We were discussing the fact that we were talking about how to deal with the Patman committee because this was another threat, a dual threat, I might add. First was the fact that it would mean adverse publicity as a result of the hearings and, second, there was always the potential they might stumble into something there. Were those words used?

Mr. DEAN. I believe, when we talked about adverse publicity and there is no telling where this thing may go.

Senator BAKER. Do you remember who said that?

Mr. DEAN. I said that.

Senator BAKER. Do you remember what the President's reaction was?

Mr. DEAN. Well, he asked me who was covering the hearings and I told him that Dick Cook was covering the hearings.

Senator BAKER. Covering, meaning what person on the White House staff had responsibility for that?

Mr. DEAN. Yes, that is correct. Because I explained to him that Mr. Cook had formerly worked for the House Banking and Currency Committee, and at that point he said that Mr. Timmons should get on top of those hearings.

We then, the conversation turned to the press coverage that had been following the Watergate incident, and during this discussion he told me that I should keep a good list of people who were giving us trouble in the press because we would give them trouble after the election.

Senator BAKER. This was stated by the President?

Mr. DEAN. That is correct.

Senator BAKER. What else was said by him or by Mr. Haldeman or by you in that context?

Mr. DEAN. Well, this evolved into a, immediately into a conversation about the Internal Revenue Service and using the Internal Revenue Service to audit returns of people.

I had—again, we were on, you know, I knew the wavelength we had had been talking about, because I had had similar requests in the past to audit returns of people, and I told the President that the Internal Revenue Service had been—

Senator BAKER. Wait, wait, wait. You knew the wavelength because you knew from your previous use of the Internal Revenue Service?

Mr. DEAN. That is correct. I had requests from Mr. Haldeman in the past that certain individuals have audits commenced on them.

Senator BAKER. What did you do with that?

Mr. DEAN. Well, I can—the one time I recall getting one I did not know exactly what I was going to do with it because I was always reluctant to call Mr. Walters at that time, who was the head of the Internal Revenue Service, so I went to Mr. Caulfield, who had friends in the Internal Revenue Service and he said, “I think I know a way this can be done.”

Apparently there is some system where the appropriate anonymous letter comes into a regional office and if it is—those who know how to do this can write the right letter and sufficient information will prompt an audit on that individual.

Senator BAKER. Is that known as the informer statute?

Mr. DEAN. No; I do not believe it is an informer statute. It is just something that will be of sufficient attention to that regional office, that branch of the, audit branch of that regional office, that will institute an audit.

I went on to tell the President that we did not seem to have the clout at the White House to get this done. I had talked to Walters about it in the past, and told him that I had had instructions from Mr. Haldeman on one occasion, and he said that, he brought to my attention the making of the IRS political, and said that,

You will recall what happened back in 1948 with Truman and that administration and the cleaning house and the changing of the Internal Revenue Service.

And these were all new facts to me, and what he was telling me was “Don’t call me with this sort of thing.”

Senator BAKER. Tell me, if you do not mind, what you did. Did you in fact set up an audit? Your counsel is trying to reach you and I think he may have something to say.

Mr. DEAN [conferring with counsel]. He just said, which was quite accurate, I do not mind telling you any fact that is true. [Laughter.]

Senator BAKER. I would say that was a very lawyer-like piece of advice. [Laughter.]

Mr. DEAN. So in this instance there was, the one I was referring to in the past, there was an audit commenced. Now I, for example, read a memorandum into the record this morning per request of some material requested by the committee that had to do with an audit of Mr. Gibbons of the Teamsters Union. I merely put that in my file, and that is where it has remained to this day.

Senator BAKER. To shorten this, and I do not mean to shorten it if you care to go on with it, did you in fact initiate IRS inquiries or audits as a result of suggestions from the White House staff or the President?

Mr. DEAN. Well, the President at this time, to keep in the focus you want to keep in, told me to keep a good list, so that these could be—you know, we would take care of these people after the election, and we went into—I told him that IRS was a democratically oriented bureaucracy and to do something like that was a virtual impossibility. And then the conversation moved to the fact that he was going to make some dramatic changes in all of the agencies and, at this point in time, I can remember Mr. Haldeman opened up his pad and started making notes as to what the President was describing as to his post-election intentions. As a result of the President giving his thoughts on what he wanted to do post-election with all of the agencies and as far as changing personnel. Mr. Haldeman also injected into the conversation at that time that he had already commenced a project to determine which people in which agencies were responsive and were not responsive to the White House.

Senator BAKER. Mr. Dean, in deference to my colleagues and the requirements of time, let me try to refocus now: Is there anything else about the September 15 meeting that would shed light on the President's knowledge, and the scope and depth of his knowledge, if any, of the Watergate break-in on June 17 or the coverup activities, so-called, thereafter and prior to September 15?

Mr. DEAN. I think I described pretty well in full of the on, 40 minute meeting, however long it was. As I say at the end of the meeting it turned to rather unrelated chatter about a book I was reading.

Senator BAKER. All right.

It seems to me then that the extent to which the September 15 meeting would give us some guidance in our inquiry as to what the President knew and when he knew it, that you depend on a combination of things. You depend on your experience at the White House as a staffer, with the interrelationships of staff and the Presidential staff; the remarks which did not relate directly to Watergate, that is the break-in at Watergate or to the concealment of the involvements and responsibilities for it. But based on the general tenor of the conversation, you gained the impression, I believe you said, to paraphrase your testimony, that the President knew that there was an on-going counter-effort, at least, and when you couple that with your knowledge of the relationships and circumstances, that you concluded then in your own mind that he knew something, and I don't believe you have testified quite exactly what, about the events involved?

Mr. DEAN. Well, I might say one thing that did come specifically out of the conversation was that we had leaped the hurdle of the Justice Department investigation and the indictments were down. Now the looming problem were the Patman committee hearings, and the President gave very clear instructions to Mr. Timmons he should get on top of those so they did not get out of hand because that was the next problem.

It was also very clear that I was to follow up with the civil litigation and see anything I could do to make sure that this didn't get out of hand.

Senator BAKER. But in an effort to summarize it and, believe me, I am not trying to distort the meaning of your testimony by summary, but, in effect, you drew inferences from the totality of this conversation and the circumstances and relationships as you knew it, you drew inferences from that that led you to believe that on September 15 the President knew something about at least the efforts to counter the Watergate and possibly, in fact, about Watergate itself.

Mr. DEAN. That is correct.

Senator BAKER. But there is no direct statement about Watergate, CRP involvement, the President's knowledge of it, or the coverup—there is no category 1 information about that?

Mr. DEAN. Other than as I have recited and I have chosen not to place interpretations on these, Senator.

Senator BAKER. Thank you, Mr. Dean.

I think that that information is very useful, then. You understand, Mr. Dean, that in the course of things, we are going to explain further the content of that meeting and the perceptions that the other parties had of that meeting.

Mr. DEAN. I understand.

Senator BAKER. As you know, Mr. Haldeman will be a witness before this committee. The only other person present was the President. I am not prepared to say at this point how we may be able to gain access to the President's knowledge and perception of that meeting. But in a three-way meeting, I think it is important to this committee that we have all the information we can get. So the information you have just given me in rather good detail will now be structured alongside with the rest of the record to test against the testimony of Mr. Haldeman and hopefully against statements by the President, in whatever manner that can be arranged.

Now, what is the time of your next meeting with the President?

Mr. DEAN. On this subject?

Senator BAKER. Yes, sir.

Mr. DEAN. There were certain events that led up to my next meeting and they were the events which occurred at La Costa, in which I, or following La Costa, in which I was requested by Mr. Haldeman when I returned from Florida—I had gone from California to Florida and had spent a week or so, just about a week, in Florida and when I returned on the 19th or 20th, Mr. Haldeman asked me to prepare an agenda. I think that that agenda is a rather important document along the line of questioning you are asking.

Senator BAKER. I would like to go into that.

Before you do, let me reiterate, the focus of my inquiry is on what did the President know—

Mr. DEAN. As I say, this agenda went directly to the President.

Senator BAKER [continuing]. And when did he know it.

Mr. DEAN. That is correct.

Senator BAKER. So as you go into your testimony and as you refer to the several documents that I believe you have before you, try to keep in mind that I am not at this moment talking about other matters and details. I am not talking about Ellsberg at this point, or the enemy list. I am talking about what the President knew. So tell me what



additional information you can give me in that respect, preferably in terms of your meetings with the President or conversations with him, and then in terms of what secondary or circumstantial evidence you have.

Mr. DEAN. My next meeting with the President was on the 27th of February of this year. Now, to explain this meeting, I believe it is necessary to explain this agenda, because I believe that is in part the reason I commenced having meetings with the President. A number of decisions had been made at La Costa, a number of areas had come up after that. As I said, on the 19th or 20th, I was asked to prepare an agenda. The matters that were on that agenda related to a meeting between yourself and the President, the concept of sending former Secretary Stans up for confirmation, and this was a concept that had been discussed with Mr. Haldeman—

Senator BAKER. Are you referring to an exhibit now, Mr. Dean?

Mr. DEAN. Yes, I am. It is No. 34-34.

Senator BAKER. Go ahead, sir.

Mr. DEAN. Sending Secretary Stans up for confirmation. The confirmation hearings were thought of as a means of defusing the Watergate hearings and getting as much out of the public as possible and lessening the impact of these hearings. I was given—per my discussion with Mr. Haldeman, I would have the assignment to go talk to Mr. Stans and see if he was interested upon his return from being out of the country.

The next item on the agenda was what to do with Mr. Magruder, which was on the inquiry for Presidential decision. These were all matters that were going in for Presidential decision.

Senator BAKER. Who asked you to prepare it?

Mr. DEAN. Mr. Haldeman. It was based on a conversation Mr. Haldeman and I had had. Some of the points had come up at La Costa, some had not. For example, I believe you had had a conversation subsequent to the time we came from La Costa and the arrangements were worked out in that time frame.

Senator BAKER. Just so the record is clear on that point, were you advised of the conversation I had with Mr. Timmons?

Mr. DEAN. Mr. Timmons did advise me of the fact that you wanted to talk to the President, you wanted to seek some guidance, I believe in the areas of executive privilege, what was going to occur. Mr. Timmons had the interpretation that you wanted to be helpful to the White House and the question, one of the questions was whether you would object to staff being present or not when you met. Timmons did not feel that you would object and the interpretation at the White House was that this would be an excellent chance to find out what your plans were and to, hopefully, set up a channel of communications to work with you.

Senator BAKER. Just a little bit to follow on, partly for self-serving purposes and partly to clarify the record at this point, after the meeting was held with the President in February, did you receive some information about what the conversation was about?

Mr. DEAN. Yes; I did.

Senator BAKER. Would you relate that?

Mr. DEAN. Do you want me to take that out of order right now?  
 Senator BAKER. If you don't mind.

Mr. DEAN. Certainly.

The President reported to me—first of all, Mr. Haldeman reported to me, and subsequently the President reported to me, that you had urged the President to send members of the White House staff up to this committee as quickly as he could get them up here and waive executive privilege. The President told you that he was going to hold the line at written interrogatories.

Senator BAKER. Mr. Dean, would you proceed, then, with your sequence as I have it?

Before you do, I see we have another roll call vote. If the committee is agreeable, we will recess at this point until we can return from it.

[Recess.]

Senator BAKER. The committee will come to order.

It is my information from the floor of the Senate that there will be a series of other votes tonight. The Senate will be in session probably until 9 or 10 o'clock. That is for the edification of my colleagues.

At the time we ended, Mr. Dean, I believe you were about to tell us about the February meeting.

Mr. DEAN. Yes, sir; Senator, you asked me to give you what led up to a given set of meetings and we had turned to the immediate agenda, but I think we ought to be complete and full in answering the way you requested I answer. I will give you the intervening sequences that occurred just in highlight again, directly relating to what occurred in the February meetings. It was the intervening event of the payment of silence money and then the lack of that money and a serious problem, with differences between Mr. Mitchell and Mr. Haldeman and Ehrlichman about who would raise that money.

There was also the intervening event of clemency being assured to Mr. Hunt, in which Mr. Ehrlichman informed me that—I was present when he told Mr. Colson and myself that he was going in to see the President about it. He subsequently informed me he talked to the President. Mr. Colson had informed me he talked to the President about it and subsequently, there was another meeting in Mr. Ehrlichman's office when it was described how the assurance was given to Mr. Hunt's lawyer, Mr. Bittman.

Senator BAKER. Before you go on with that, Mr. Dean, so you have some preview of the subject matter I am going to cover, it would appear now that I probably may not finish my questions in this first round, but just so you know I do not intend to skip those things, I have on my list the break-in, the coverup, the so-called enemies list, executive privilege, Executive clemency, domestic intelligence, Internal Revenue Service, Judge Richey, and a number of other things. Each of those I consider to be a subject I want to explore more fully. But for the sake of time—

Mr. DEAN. All I am doing is highlighting, as I just did right then, what was leading up to the February meetings.

Senator BAKER. All right, sir, but for the sake of time, I would like to focus at this moment on what the President knew and when he knew it. Let us start first with direct information that you have.

Mr. DEAN. All right. I am going to give you a document that went

directly to the President and I think that the fastest way for me to handle that is just to read the document. We have already covered the first part of it.

Senator BAKER. What document?

Mr. DEAN. This is exhibit No. 34-34. The first part was what we just discussed, "Baker meeting with President.

"Baker requested secret meeting re Watergate hearings.

"Baker told Timmons he wants guidance, but to maintain his purity in the Senate he doesn't want anyone to know of meeting with the President.

"Timmons believes that Baker wants to help.

"Timmons does not feel Baker would object if there was staff present during meeting, so long as fact of meeting never gets out.

"Meeting would be excellent chance to find out what Baker plans to do and set up channel to work with him."

This was based on a conversation, as I believe we discussed in executive session, of Mr. Timmons' perception of the conversation he had with you.

"(2) Sending Stans up for confirmation:

"We don't know if Stans wants to do this, but we do know he wants to be rehabilitated and isn't afraid to tell his story publicly.

"Confirmation hearings would help defuse Watergate hearings, and the more of this we get to the public, the less impact the Watergate hearings per se will have.

"This should be resolved quickly, because it will only be helpful if it occurs prior to Watergate hearings. (Stans has requested to see Dean on February 28—upon his return from Jamaica.)

"(3) What to do with Magruder:

"Jeb wants to return to White House (Bicentennial project).

"May be vulnerable (Sloan) until Senate hearings are completed.

"Jeb personally is prepared to withstand confirmation hearings.

"(4) Use of Buchanan as observer/spokesman to keep press coverage honest:

"Watergate press coverage to date has been dishonest and libelous. Pat could call them to task.

"The hearings are going to be partisan. Pat could make certain that the public understands this.

"Teddy Kennedy is a moving force behind the hearings—this can and should be documented. Pat could do this well.

"The public does not perceive Buchanan as being that close to the President. The basic question is whether the White House is going to sit quietly and take the unwarranted abuse that is bound to come from hearings. We can't run a secret counter PR effort so why not do it openly and respectfully—Pat can do that?

"Buchanan's role will eliminate much of the heat that Ziegler will otherwise receive and Ziegler could even have Pat brief from time to time.

"(5) Getting the A.G. back on the reservation:

"A.G. is merely biding his time until he returns to private sector

"A.G. is extremely loyal to the President and if asked to take an active concern in these hearings (and their fallout) would do so—otherwise, he will probably do what is best for his own self-interest

"A.G. should be asked to remain in office at least 1 full year from this date (i.e., until hearings have passed) because hearings may well result in request for additional action by DOJ. A.G. can get Henry Petersen—who has the greatest loyalty for the A.G.—to handle sensitive problems with ease. We can't afford bitterness in the DOJ nor can we risk a new A.G. being able to grapple with some of the potential problems."

Senator BAKER. Mr. Dean, this was dictated by you?

Mr. DEAN. This was as the result of a meeting I had with Mr. Halde-  
man discussing the agenda. These were matters that had come up in—  
some of them had come up in La Costa. I was asked to boil them down  
into a paper to go in to discuss with the President.

Senator BAKER. All right. When was this paper prepared?

Mr. DEAN. This was prepared the 19th or 20th of February of this  
year.

Senator BAKER. All of these things, or at least some of them, never  
occurred that are dealt with in here.

Mr. DEAN. I got a response from each of the points on here. As I will  
subsequently tell you, there was a subsequent agenda prepared for the  
meeting between yourself and the President.

Senator BAKER. Which one is this?

Mr. DEAN. That would be exhibit No. 34-35. Mr. Stans—I was asked  
to talk to him to see if he was interested in being sent up for a con-  
firmable post and to explore to see if there was any post that he was  
interested in. He and I discussed it and he didn't have any particular  
post in mind and didn't particularly want to do it after he gave it some  
consideration.

There was a Presidential decision that Mr. Magruder could not re-  
turn to the White House staff.

There was also a decision by the President that Mr. Buchanan could  
not be used as an observer spokesman because the President, I was told,  
felt that Mr. Buchanan was too close to him, had been with him too  
long, relating back to even pre-1968.

Finally, there was a meeting and there is a subsequent agenda I  
have in the exhibits for the meeting with the Attorney General.

Now, as I say, these all led up to what later occurred in my discus-  
sions on the 27th and 28th with the President.

Let me turn to the next exhibit. This was again requested by Mr.  
Haldeman. He said, "Prepare it, do not send it through normal chan-  
nels," because it was to be a totally off the record meeting, between 30  
and 45 minutes. Originally there was to be staff, Mr. Dean, or alterna-  
tives. It was decided there would be no staff present, so that was crossed  
out on the record.

General description is: Potential Matters for Discussion with Sena-  
tor Baker.

General:

Take Baker's pulse and find out how much he wants to help—keep  
this from becoming a political circus.

Baker can be assured that no one in the White House had any  
knowledge that there was going to be a break-in and bugging of the  
DNC.

If Baker appears to be truly desirous of cooperating—and the fact he is seeking guidance may so indicate—he might be told that there are matters unrelated to the bugging incident per se (e.g., Segretti, Kalmbach) that could be embarrassing and tarnish good people whose motives were the highest. Surely he can appreciate that things which occur at the White House have a degree of sensitivity that occur nowhere else in Government.

#### 1968 Bugging:

Tell Baker that J. Edgar Hoover personally informed the President shortly after taking office that his campaign had been bugged. Presently seeking to obtain documentation and evidence of the 1968 incidents.

#### Appearances of White House Staff Members Before Senate Committee:

Statement coming out shortly on the matter of executive privilege.  
[Draft attached.]

I recall that when I first sent this document in to the President, the draft was not attached. He was in his Executive Office Building—I don't know if that is where you met with him or not, but I had a call—a frantic call—to get a copy of that draft down to him.

Senator BAKER. On executive privilege?

Mr. DEAN. On executive privilege.

Senator BAKER. Do you know why?

Mr. DEAN. I don't know why.

Senator BAKER. Go ahead.

Mr. DEAN. I assumed maybe you were meeting with him or it was imminent you were going to be in a meeting with him.

Cannot state at this time if such witnesses will be provided to committee. Must wait to determine how the issue develops.

A possible resolution of the problem may be that when the committee believes a White House staff member is essential as a witness, we can compromise and agree upon sworn written interrogatories, that should be instead of interrogation.

#### General Guidance:

Seek to get hearings over as quickly as possible because they really are a potential witch hunt. The President can note that hearings of this type damage all Government officials and the institutions of Government. The public wants to believe the worst about all politicians and hearings of this type are going to damage all elected officials.

Committee procedures should protect the rights of minority members to information, calling its own witnesses, notice of meetings, et cetera.

Minority counsel should be tough, aware of the way things operate in Washington, and able to handle a fellow like Sam Dash who has been selected as majority counsel. Dash is a partisan.

#### Communication with White House:

Wally Johnson should be initial contact point, but if Baker feels he wants to raise something that he chooses not to discuss with Wally, then arrangements can be made to meet with Dean. (NOTE: Frankly, the naming of Dean as the man who deals with the President on such matters preserves our posture on executive privilege should Dean be called as a witness.)

Note at the bottom: Have just learned that Baker has publicly announced the appointment of Fred Thompson as chief minority counsel. Timmons has recommended George Webster as our candidate.

Senator BAKER. Just out of curiosity, Mr. Dean, since this agenda was prepared at some length first, did you dictate it?

Mr. DEAN. I did, and again, this is based on the meeting that occurred at La Costa and the discussions I had with Mr. Haldeman and Ehrlichman.

Senator BAKER. Can you enlighten us; How much of this agenda was covered at such meeting?

Mr. DEAN. I only know what came out, was reported to me by the President and Mr. Haldeman that the thrust of the meeting really was your calling upon the President to—

Senator BAKER. To waive executive privilege?

Mr. DEAN [continuing]. To waive executive privilege is correct. And I also—the President told me that you agreed that the hearings should be over as soon as possible. If they lingered, it would be damaging.

Senator BAKER. It also is your information that there was not a suggestion as to minority counsel which had been announced on the same day.

Mr. DEAN. Had been announced, that is correct.

Senator BAKER. All right, go ahead, Mr. Dean.

Mr. DEAN. The next significant document leading up to my meetings that some of these things were discussed on the 27th and 28th was a request again by Mr. Haldeman.

Senator BAKER. Do you have an exhibit number?

Mr. DEAN. Yes, sir. This is exhibit No. 34-36. And I have a cover note on this. I hand-carried the other agenda over to Mr. Haldeman, whereas this one there was a little more time. He had asked me not to send it through normal channels, so there is a cover note on "Memorandum for H. R. Haldeman from John Dean. I did not use the prescribed format because I understand you do not want this to pass into channels."

#### TALKING POINT FOR MEETING WITH THE ATTORNEY GENERAL

Senator BAKER. I think we just talked out, Mr. Dean. I think that is another rollcall vote. Would the committee like to try to alternate, we are on 10-minute voting cycles, I do not think we can—

Senator TALMADGE. If the chairman desires, I have one or two very brief questions. I think I can complete them in about 5 minutes while you go vote, and when you return I will go vote.

Senator BAKER. Does that suit you, Mr. Dean?

Mr. DEAN. Whatever pleases the Chair.

Senator BAKER. Thank you.

Senator TALMADGE. Mr. Dean, you have been in the chair now for 4 days and I know how weary you must be, and I will be extremely brief. There are one or two things I would like some clarification on. You have testified repeatedly that even though you were counsel to the President, you had no direct access to the President except going through Mr. Haldeman and Mr. Ehrlichman; is that correct?

Mr. DEAN. That is correct. In fact, Senator, I think the documents I have just referred to were talking about direct meetings with the President I am asked to prepare an agenda showing the very pattern that exists in and of itself where I sent everything I did through either Ehrlichman or Haldeman for anything of this nature.

Senator TALMADGE. Do you know who was responsible for that organizational setup?

Mr. DEAN. Mr. Haldeman had basically told me who I would report to. Mr. Ehrlichman had been the former counsel, and when I got into legal areas that were of interest to him, I also supplied legal assistance through my office to the domestic counsel on occasion.

Senator TALMADGE. Then, Mr. Haldeman informed you of that organizational setup, is that a correct answer?

Mr. DEAN. That is correct, sir. It was just—it was not a matter of being informed, it just existed when you arrived. When I started there I was alone. I finally persuaded them to let me get one assistant. Slowly as the workload of my office increased, I got two or three more. I had inherited a couple of people when I came on. Mr. Huston was there but he never really worked directly for me. He was taking his assignments from Mr. Haldeman or doing speechwriting for Mr. Price and Mr. Caulfield when I first came was still doing assignments for Mr. Ehrlichman.

Senator TALMADGE. When were you told that you had no direct access to the President but must go through Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. Well, Senator, I had had dealings with the White House before I even joined the staff and I had a pretty good feel for the operation in the White House from working on developing various legislative programs that went over to the White House, and in talking to people over there I had gotten to know a number of people before I even went to the staff, and that is just the way it was.

Senator TALMADGE. Did you ever try to obtain direct access to the President without going through Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. There is no way that would be possible, Senator. If, for example, you were to pick up the telephone and call the President, the call would be transferred immediately by the operator to Mr. Haldeman or some other member of the staff. But generally if, say, another staff member called, the call would generally go to Mr. Haldeman to clear the call. He would want to know why you wanted to call and what the subject matter was, so you were in a sense reporting to Mr. Haldeman.

Senator TALMADGE. Did you ever see anyone try to go into the Office of the President without going through Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. I think I made reference in, early in, my testimony I believe there is a reporter in this room, Mr. Mollenhoff, who used to be on the White House staff and I noted on occasion in looking back over some old records that he had a special counsel title and worked in some areas where he was, in a sense, what I might call also firefighting to put out problems of conflicts and dealing in areas like that and I saw a number of memorandums that he had sent to the President which never got there, and they had been returned by Mr. Haldeman.

Senator TALMADGE. You never saw him try to walk in the President's Office?

Mr. DEAN. No, I did not. There are a lot of Secret Service agents around the President's Office, I might add, also.

Senator TALMADGE. One other thing I would like some clarification on. On Monday I asked you a question and it appears on page 2465, line 23 of the record, "Did you think it was part of an effort to make you the fall guy in the plan?" And your answer begins immediately, of course, after the question but then, beginning on line 8 of page 2466 you stated something that I would like more clarification on.

"I had seen situations like this occur where people who had not actually done something take the blame for it to avoid embarrassing others higher up and I felt it was a real possibility."

Now, were you referring to the situation at the White House?

Mr. DEAN. Yes, sir, I was.

Senator TALMADGE. Could you give us an illustration of some instances of that type where—

Mr. DEAN. I can give you instances that I think are public knowledge of—I think I have already alluded to one because another member of this panel had another followup question of this nature. The one I have already referred to was the fact that Mr. Malik was—took the blame, so to speak, for instigating an investigation of Mr. Daniel Schorr. Another interesting situation—there was during the 1970 campaign a rather—

Senator TALMADGE. Who was he taking the blame for?

Mr. DEAN. Mr. Haldeman.

Senator TALMADGE. Mr. Haldeman. All right. Go ahead.

Mr. DEAN. Or the President.

Senator TALMADGE. All right. Proceed.

Mr. DEAN. Another instance that occurs to me is when during the 1970 congressional campaign there were a number of rather rough, you might call, of questionable political ethical standard ads run that got the name of the Shipley ad because Mr. Shipley had signed the ads. The ultimate blame came to rest at the White House and it came to rest on Chuck Colson.

Senator TALMADGE. You are saying then in your testimony, as I understand it, it was common practice in the White House when something went wrong for subordinates to take the blame for their superiors, is that your testimony?

Mr. DEAN. Yes, it is, Senator.

Senator TALMADGE. Thank you very much, Mr. Dean. I must rush to the Senate floor and the committee will stand in recess until the vice chairman or some other member returns.

Thank you, sir.

Mr. DEAN. Fine.

[Recess.]

Senator BAKER. The committee will come to order. I understand that Senator Talmadge left to avoid missing this last rollcall vote with possibly a question left unanswered. I was not here so I can't say but is there anything further you wish to add, Mr. Dean.

Mr. DEAN. He was asking me about people who had taken the blame for their superiors at the White House from some examples and I had cited two examples.



Mr. DASH. Yes, but you had not completed. I think Senator Talmadge, as he was leaving, I think the last words said was the person taking the blame was Chuck Colson and the followup question would have been, who was he taking the blame for?

Mr. DEAN. He was taking the blame for Mr. Haldeman who had authorized the ads. There is one other example that gets into an area I believe you indicated you were going to question me on, and that is based on information that I have directly from Mr. Krogh, that it appears to me that based on a conversation I had with Mr. Krogh that he is taking the blame for something.

Senator BAKER. Do you know who?

Mr. DEAN. I believe the President of the United States.

Senator BAKER. Maybe you ought to elaborate on that a little. [Laughter.]

Mr. DEAN. Well, it was on either the 28th or 29th of March that Mr. Krogh came to my office, he stopped by to express his sympathy for the adverse publicity I had received as a result of the Gray hearings and asked me how I was holding up and I said, "Fine, it is not very pleasant but my hands are tied and I can't speak." He said, he then began a discussion about how he had been haunted ever since he left the White House about his own experiences there, and then we got into a discussion of the fact that there was evidence within the files of the Department of Justice indicating leads that might let the investigators from this committee discover the fact of the Ellsberg burglary and we began discussing it. I asked him then if that had been authorized by Mr. Ehrlichman, and he told me—knowing Mr. Krogh pretty well and knowing Mr. Krogh had a similar level as myself and didn't, would not start something of that dimension without clearing it with someone, and he told me, no, that to his knowledge, Mr. Ehrlichman had not learned about it until after the fact and told me that his orders had come directly from the Oval Office, and I was somewhat surprised and so surprised I said, "You have got to be kidding," and he repeated again no, he said, they came from the Oval Office.

Senator BAKER. This was Mr. Krogh speaking?

Mr. DEAN. Yes, sir. And subsequently, of course, he has under a sworn statement said that he was totally responsible for the matter.

Senator BAKER. Mr. Dean, it is now a little after 4:30 and in deference to my colleagues, I am not going to try to finish with the list of questions and topics that I thought I outlined to you earlier. What I would like to do for about 10 minutes, almost 15 minutes, say, to 4:45 is to go once again to the narrow focus of what the President knew and when he knew it, relative to Watergate. So would you please move then to the next situation.

Mr. DEAN. Yes, sir.

Senator BAKER. That would shed any light on that.

Mr. DEAN. And that would be a document which was forwarded to the President that I was just referring to, as we ended our conversation, and it is exhibit No. 34-36,\* for talking points for a meeting with the Attorney General. This was a request that I prepare this by Mr. Haldeman and send it not through normal channels for a meeting but rather directly to him because of the sensitivity of the documents.

\*Exhibit 34-36 was printed in Book 3.

Background, Kleindienst is biding his time until he returns to private law practice. He has discussed joining several law firms and has a particularly attractive offer from one that he would probably like to accept. Kleindienst is less than enthusiastic about helping to solve some of the tough problems relating to the forthcoming Watergate hearings. He does not want to get himself involved in any controversy at this time. The morale of the Department of Justice is low because they are extremely loyal to Kleindienst but they think the White House is trying to force him out. Kleindienst is extremely loyal to the President and will do anything asked of him by the President.

Kleindienst should be asked to remain in office at least one full year from this date, that is until after the Watergate hearings have passed because the hearings may well result in a request for additional action by the Department of Justice. We can't afford bitterness at the Justice Department nor can we risk a new Attorney General being able to handle some of the potential problems. Kleindienst should be asked to follow the hearings closely and keep us apprised of any potential problems from a Department of Justice standpoint. Kleindienst should be given a feeling that he is an important member of the team and not merely because of these hearings is he being asked to stay on.

Senator BAKER. Of course, Mr. Kleindienst did not stay on; is that right?

Mr. DEAN. His resignation was accepted, I believe, on April 30.

Senator BAKER. Just out of curiosity, is it your personal knowledge that Mr. Kleindienst's resignation was not requested but rather was tendered by Mr. Kleindienst.

Mr. DEAN. That is my understanding.

Senator BAKER. Go ahead, sir.

Mr. DEAN. The first meeting that I had after these series of documents were exchanged and I got, I was told of the results of the meetings in the first instance by Mr. Haldeman, and subsequently by the President himself when I met with him, that meeting was on February 27 and it was at this meeting that the President asked me to report directly to him on all Watergate matters. There had been a great exchange of this type of memorandums back and forth into the President's office and out. He indicated to me at that time that this was consuming a great deal of time of Mr. Haldeman and Mr. Ehrlichman, and that at that time he also indicated to me that they were principals and he felt that I could be more objective in this matter.

We had, I think, a lengthy discussion about that this morning with one of the members of the panel. As I indicated, it was at this meeting that the President also repeated what had earlier been reported to me by Mr. Haldeman, about your meeting with the President, in which you had told the President that you suggested he waive executive privilege. He had told you that he was going to hold the line at written interrogatories, and he asked me that time what did I think about that, and I said I certainly thought that written interrogatories could be handled. He also discussed the fact that he didn't want Mr. Haldeman and Ehrlichman to appear on the Hill.

Senator BAKER. Incidentally, Mr. Dean, at that point, as we know, you are here without a claim of executive privilege, Mr. Haldeman, Mr. Dean—I mean Mr. Haldeman and Mr. Ehrlichman are under subpoena and it is our understanding that they will appear without a claim of executive privilege.

Can you identify the point at which this position at the White House was reversed and that those privileges indeed were waived?

Mr. DEAN. I believe it was probably in late April, I don't know for certain, maybe it was May, maybe it was June, the position was evolving.

ing as I recall, as to the statements on executive privilege continued to change after, that certainly was after the April 30 resignation of Haldeman and Ehrlichman and my departure from the White House staff.

Senator BAKER. Do you know who recommended the changed position?

Mr. DEAN. I do not. I was not privy to the conversations at that point in time.

Senator BAKER. But in any event, there is no claim now of executive privilege or of attorney-client privilege as far as you are concerned?

Mr. DEAN. That is correct.

Senator BAKER. And as far as the other witnesses are concerned?

Mr. DEAN. That is correct.

[Conferring with counsel.]

Mr. DEAN. Counsel has just reminded me of something that at one point in time we were going down to appear at a special Saturday session before the grand jury and the Friday night before when we went to advise it with the prosecutors there was a sheet that had been handed out by the White House on executive privilege and at that point in April, sometime in April, the latter half of the month, executive privilege was still being claimed particularly vis-a-vis the grand jury as well.

Senator BAKER. There was a speech by the President, I believe on May 22 on this subject, but that is really not important to this query so we will move on from there. I am anxious, in the moments we have remaining, for you to tell me about the first-hand information that you have, or what I call category 1, of direct knowledge of what the President knew which you also knew.

Mr. DEAN. That is right.

It was on the meeting of the 27th that the President urged me to, he reported the fact that you had asked that your contact, not be anybody at the White House but somebody, very specifically the Attorney General, Mr. Kleindienst, and I was asked by the President then to make sure that Kleindienst had in fact met with you. I had met with Kleindienst the preceding day, as I recall, in a general discussion and he had indicated to me he wanted to turn over the FBI materials, I don't think he was aware at that point in time, well, he couldn't have been aware—yes, he may have been aware at that point in time of the fact that you were to be the contact point for the hearings and he had not yet scheduled a meeting with you, I don't know what conversations he had had with you but he had said that he hadn't worked out a firm date to have these hearings, that he was hoping to meet with both you and the chairman.

Senator BAKER. Do you know, in fact, when he did meet with us?

Mr. DEAN. No; I do not.

Senator BAKER. But you do know that it was with Senator Ervin and me?

Mr. DEAN. That was my understanding, yes. That was his desire. Apparently, you indicated you wanted to meet with both, you thought it would be most effective if the meeting was with both you and the chairman. That is what Mr. Kleindienst reported to me.

Senator BAKER. Go ahead, Mr. Dean.

Mr. DEAN. As I have also testified, there was some discussion of the composition of the committee. He felt that at that point in time, he hoped that the White House could receive some assistance from you. That is why he was hoping, urging me to have the Attorney General work closely with you. We discussed Senator Gurney. Senator Gurney, as the President said, no one has to get in touch with him, he will do what is right. He felt very comfortable that that was our best friend on the committee.

Senator BAKER. Incidentally, one other thing. I noticed in one of the memos, one of the exhibits, that mention was made of Attorney General Kleindienst and of you as a possible communication point for committee affairs.

Mr. DEAN. It was Wally Johnson or myself, I believe.

Senator BAKER. Would you confirm that you and I have never discussed that?

Mr. DEAN. Yes, sir, I would.

Senator BAKER. Thank you.

Go ahead, sir.

Mr. DEAN. I might add that coming forward in the meeting at one point in the meeting on March 22, when Mr. Mitchell was with the President, there was a call as a result of a staff inquiry from a member of your staff that said that it is still seeking guidance and this report had come to the President from Mr. Timmons. During the middle of the meeting, the President picked up the phone and tried to, or called the Attorney General and said, you know, get on up there and meet with Senator Baker and work these problems out.

At that meeting also, he told me, he said, John, you should start having direct dealings with Senator Ervin and Senator Baker on the parameters of executive privilege. This was right in the middle of the Gray hearings and I told the President, I said I think that would be very unwise, Mr. President, because I am the point in controversy in the Gray hearings and I would be up there negotiating my own position, so to speak.

Senator BAKER. I remember, too, at that time, that the chairman was talking about arresting people at the White House gate.

Mr. DEAN. That is correct.

Senator BAKER. And the President was talking about having a lawsuit.

Mr. DEAN. I also remember having a discussion with the Attorney General about this area and he told me, he said, we have more marshals than they have sergeants at arms and if we run out of marshals, your boss has got the Army.

Senator BAKER. Go ahead, Mr. Dean.

Mr. DEAN. Now, there is something that occurred that was very similar to the September 15 meeting after we had these discussions. On my way out of the office, he again repeated to me that I had done an excellent job of dealing with the matter during the campaign, with the Watergate problem. He said that it had been the only issue that the McGovern people had had, that the Democrats had tried to make a big issue out of it. I told him that I had only managed to contain the matter during the campaign, and again, feeling that I did not know how long the coverup could go on, that this thing could go on indefinitely.

Senator BAKER. Did you use the word "coverup"?

Mr. DEAN. I used the word "contain." He said to me—I said, I am not sure it can be contained indefinitely.

He then, I can recall this very vividly. He said, John, he said, I have got a lot of confidence in you. He said, you know, we have to keep just fighting back and fighting back, and I am sure you can do it and I want you to report directly to me on all your problems and not bother Bob and John, referring to Haldeman and Ehrlichman.

Senator BAKER. Did you feel at the time that the President had confidence in you?

Mr. DEAN. Did I feel? As I think I testified earlier, I thought that I had earned my stripes by that time, so to speak. Somebody else classified it, I think Senator Montoya, as I had gotten my spurs, and I felt that he did; yes, sir.

Senator BAKER. Mr. Dean, it is now 4:45. I have covered much territory and I have much more that I have already mentioned to you that I would like to cover, but at this point, I would like to yield.

Senator Talmadge has not returned. I understand that he has finished his interrogation for this round and the next one would be Senator Weicker.

Senator WEICKER. Thank you very much, Mr. Chairman.

Mr. Dean, just a couple of preliminary questions before I get into the main thrust of questioning. And this asks for an opinion, admittedly so, but I would still like to hear it.

On April 30, 1973, the President announced your resignation along with Messrs. Kleindienst, Haldeman, and Ehrlichman. And the President had some very warm things to say about Mr. Haldeman and Mr. Ehrlichman, not very much to say about you and only a very little to say about Mr. Kleindienst. Would you care to opine as to why this particular treatment?

Mr. DEAN. I do not want to offer an opinion; I will just say this, that given the fact that I was not playing ball, I was not surprised. And I might also add this, that I thought it was somewhat unfair to put Mr. Kleindienst's name amongst the others that were leaving the White House staff at that time. I had a definite reaction to that. I thought that was unfair to Mr. Kleindienst, who had, as I understood it, proffered his own resignation and then suddenly was lumped with others who there had been a good deal of press speculation about being involved in the Watergate.

Senator WEICKER. Did you have any information that Mr. Kleindienst had indeed offered his resignation prior to this time?

Mr. DEAN. No, I didn't. I read subsequently that he had proffered it.

Senator WEICKER. The committee has received evidence that a courier for Senator Muskie's campaign microfilmed documents which were typed by Sally Duncan, Bart Porter's secretary, and delivered by her to Gordon Strachan at the White House. This was in earlier testimony before this committee. Now, what do you know about the source of the list of Muskie contributors, which list you provided to the committee yesterday?

Mr. DEAN. The only thing I know about that list is it was sent to me from Mr. Colson's office.

Senator WEICKER. I see.

Now, Mr. Dean, the line of questioning which I am going to follow is going to include you to some extent, it is going to include me to some extent. But one of the jobs that I think we have is to preserve the opportunity for every individual to be heard and heard fairly when they come before this committee, whether it is you or any other witness, and to probe fairly, as has been the case by the members of this committee. Obviously, the seriousness of the matter before us also makes it imperative that the committee itself and each member of the committee have credibility and be believed.

Now, our job, in other words, as I look upon it here, is to get the facts, not to get the President, and to have the United States or Americans feel exactly what it is that happened to their political system and, in fact, what happened to their Constitution.

With that in mind, I now intend to review some of your testimony and to also review some of the things that have happened. Certainly, I and the committee, the American people, have seen things that have been illegal. We have seen things that have been unconstitutional, and we have seen—and here those things which I can only categorize as gross.

But to get to the issue of the credibility of witnesses, I first want to find out what your comments would be to the memorandum that was read to you by Senator Inouye. Except this time, what I am going to do is I am going to point out to you and to the American people the difference between the first memorandum that was sent to the committee and the second memorandum that was sent to Senator Inouye.

The first memorandum sent from Mr. Fred Buzhardt at the White House made the following statement:

His try fails to record that at that moment, Dean corrected the Attorney General's erroneous impression by pointing out that, however, innocently, Mitchell, Magruder, and Dean had all been involved in planning of operations of which Watergate was an obvious derivative or that Strachan had knowledge of the fruits of this kind of operation or that all of them were suborning perjury and otherwise seeking to conceal the facts.

Now, let me show you the key difference between the first and the second versions. The first version here, "His try fails to record that at that moment, Dean corrected the Attorney General's erroneous impression by pointing out that, however innocently, Mitchell, Magruder, and Dean"—the memorandum which was read to you by Senator Inouye, which was the second memorandum to come from the White House, read as follows:

"His try fails to record that at the moment Dean corrected the Attorney General's erroneous impression by pointing out that Mitchell, Magruder, and Dean"—in other words, omitting, "however innocently."

Now, to get to further aspects of the memorandum, the first memorandum stated:

It is probably because of executive privilege it is not possible even to speculate on the extent to which Dean helped induce the views on attorney-client privilege.

The second version of the memorandum read "It is probably that Dean helped induce the views on attorney-client privilege."

Then again, in the first version of the memorandum given to this committee by Mr. Buzhardt and the White House, the statement was made in the first edition:

The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him "a growing awareness of Dean's personal involvement and that his sending him to Camp David apparently was a device to smoke him out."

The second version that came from the White House reads as follows: "The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him a growing awareness of Dean's personal involvement in this."

Then lastly—if you will be patient here for a minute—the first version: "Dean was not merely one of the architects of the coverup plan. He was also perhaps its most active participant."

The second version from the White House: "Dean was not merely one of the architects of the coverup plan. He was also its most active participant."

I think it is important to point out, Mr. Chairman, to the committee the very substantial discrepancies in the two memorandums sent to this committee. But probably the greatest disservice performed by the White House in this instance comes on the following fact. Before I make my statement in regard to the entire memorandum, I would like to read a quote from a speech given by the Vice President of the United States not long ago, where he goes ahead and blasts this committee, in which speech he states:

There is no question whatever that some men, despite their innocence, will be ruined by all of this, even though I am sure that the Senate intended nothing of this kind when it commissioned this investigation.

I think, Mr. Chairman, that the American people should know that the author of the White House memorandum read by Senator Inouye yesterday makes statements of facts concerning John Mitchell which, in effect, assume that he took part in a conspiracy to break and enter, that he took part in obstructing justice and suborning perjury, and all this without an admission or conviction of John Mitchell. And this, Mr. Chairman, done in the document sent by the White House to this committee. I don't believe that in anything that the committee has done to date we have overstepped our bounds to this extent and I think it important to note, not only in the case of Mr. Dean, who sits before us, but also in the case of Mr. Mitchell, who is to come before us.

Now, Mr. Dean, I didn't mean to jump ahead of you.

Have you any comment to make relative to this memorandum, and if so, I don't mean to cut you off on it.

MR. DEAN. When the memorandum was being read yesterday, as you will recall, Senator, I commented point by point as they went through it. I will certainly stand on the comments I made yesterday and I certainly stand on my testimony. I refuse to engage in descriptions of motives of others, myself.

Senator WEICKER. Now, Mr. Chairman, as I have indicated, there have been acts that have been illegal, unconstitutional, and those that fall in the general category of gross. And I would like to go ahead and repeat now exactly what acts which have been testified to, have actually been proven or admitted in the illegal area, acts committed by

various members of the executive branch of government—conspiracy to obstruct justice, conspiracy to intercept wire or oral communications, subornation of perjury, conspiracy to obstruct a criminal investigation, conspiracy to destroy evidence, conspiracy to file false sworn statements, conspiracy to commit breaking and entering, conspiracy to commit burglary, misprision of a felony, filing of false sworn statements, perjury, breaking and entering, burglary, interception of wire and oral communications, obstruction of criminal investigation, attempted interference with administration of the internal revenue laws, and attempted unauthorized use of internal revenue information. These are illegal matters proven or admitted that have been accomplished by the executive branch of this Government.

As to those matters that are unconstitutional: Attempts to infringe upon people's first amendment rights of free speech, and the press, the enemy list which we have seen, first amendment rights to peaceable assembly, fourth amendment rights to be secure in our houses and papers and effects, and fourth amendment rights, denial of rights to fair trial, right to due process of law. That is what we have heard which has been done in the way of unconstitutional acts by the executive branch of the Government.

Now, when you get into the area of the gross, I think it very important that we have more than just an exhibit before us, the exhibits that were part of the enemy papers submitted by Mr. Dean to this committee yesterday, and I would like to go ahead and read just very short portions from some of those memorandums.

This, I would say, falls into the area of gross: Memorandum for John Dean from Charles Colson:

I received a well-informed tip that there are income tax discrepancies involving the returns of Harold J. Gibbons, the vice president of the Teamsters Union in St. Louis. This has come to me on very, very good authority.

Gibbons, you should know, is an all out enemy, a McGovernite, ardently anti-Nixon. He is one of the three labor leaders who were recently invited to Hanoi.

Please see if this can be started on at once and if there is an informer's fee, let me know. There is a good cause at which it can be donated.

Let me read from your memorandum, Mr. Dean, and I imagine this couldn't have been one of your proudest moments in life. If I am not mistaken, the subject dealing with our political enemies was a memorandum written by you to Mr. Haldeman, is that correct?

MR. DEAN. I will have to confess, I had to do some research to prepare that, because it was a new field for me.

Senator WEICKER. Well, I think we have got to get it all out on the table here, and that means everybody. And I am going to read two paragraphs which I find to be absolutely amazing having been written in the White House of the United States. "After reviewing this matter with a number of persons possessed of expertise in the field"—the subject of this is "Dealing with our political enemies"—"I have concluded that we do not need an elaborate mechanism or game plan, rather we need a good project coordinator and full support for the project. In brief, the system would work as follows:"

The project coordinator should then determine—and this is one of the ways the system operates—what source of dealings these individuals have with the Federal Government—talking about our political enemies now—and how we can best screw them (for example, grant availability, Federal contracts, litigation, prosecution, et cetera).



Now, to move along to that portion of the Internal Revenue Service memo—this is how you use the Internal Revenue Service against your political enemies—just one sentence :

Walters must be made to know that discrete political actions and investigations on behalf of the administration are a firm requirement and responsibility on his part.

In the same memorandum, "We have been unable to obtain information in the possession of IRS regarding our political enemies."

And then lastly, in one of the lists which we received, as I understand it, are the "Opponent Priority Activity"—Mr. Dean, does that come from Mr. Colsons' office to Mr. Bell?

MR. DEAN. That is correct.

Senator WEICKER. All right. The language at first is very prosaic. "Having studied the attached material and evaluated the recommendations for the discussed action, I believe you will find my list worthwhile for go status—" the space age come to dirty politics. "It is in priority order."

Now I want everybody to listen to some of the comments that are made alongside the names: "It is time to give the message"; "they should be hit hard starting with" this particular individual; "A scandal would be most helpful here"; "we should give him a try. Positive results would stick a pin in Jackson's white hat"; "coming on fast. Emerging as a leading black anti-Nixon spokesman. Has known weakness for white females."

These are the exhibits, these are the exhibits that were turned in yesterday. They form a part of the record of activity, along with those matters unconstitutional and illegal.

Now, we get to the point as to whether or not these attitudes still prevail or whether, in fact, they still continue. Mr. Dean, I am now referring to your statement on page 163.

Ehrlichman and Haldeman concluded that the theory for dealing with this committee should be as follows: The White House will take a public posture of full cooperation, but privately will attempt to restrain the investigation and make it as difficult as possible to get information and witnesses. A behind-the-scenes media effort would be made to make the Senate inquiry appear very partisan. The ultimate goal would be to discredit the hearing and reduce their impact by attempting to show that the Democrats have engaged in the same type of activities.

Would you like to expand on that statement at all at this time? I plan to go through a chronology of events, even as they affect me and you. But, is there anything in the way of a general statement that you would like to make at this time?

MR. DEAN. I think I indicated this to counsel yesterday, that at this particular La Costa meeting, I made several which I have not turned over as an exhibit but will be turned over as an exhibit and this material is documented in that form.

Senator WEICKER. Well, now, Mr. Dean, I am going to go through a chronology of events because the thing that worries me, I suppose, more than anything else about these hearings is that people say these things happened in 1970, they happened in 1971, they happened in 1972 but it is 1973, and these are matters that were back then, they involve people that existed back then, and so it is now my intention to go through a chronology of something that affects this committee.

Already having tried to establish somewhat as to what was being done to the credibility of this particular witness, we have your statement on the La Costa meeting, which is February 10 to 11 of 1973.

Around March 26 or March 27, I indicated by press statements that I thought the Watergate conspiracy went beyond those seven persons engaged in the actual break-in. This was done in a statement to the press outside my office and also in an interview with UPI. That was on the 26th and 27th of March.

Now I intend, Mr. Chairman, to read a taped telephone conversation between Mr. Ehrlichman and Mr. Kleindienst on the 28th of March, taped by Mr. Ehrlichman, and in the possession of the committee.

MR. DASH. Senator Weicker, we might identify it as having been submitted under subpoena by Mr. Ehrlichman to this committee.

Senator WEICKER. Thank you very much, Mr. Dash. [Reading.]

EHRLICHMAN. The President wanted me to cover with you. Are you on an outside line?

KLEINDIENST. I'm at my parents' house.

EHRLICHMAN. Oh, fine, OK, so it's a direct line? Number one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. He had me call Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And Weicker told Gray that he was talking there about political sabotage and not about the Watergate.

KLEINDIENST. About the Segretti case?

EHRLICHMAN. Yeah, and that he was quite vague with Pat as to what he had.

KLEINDIENST. I called him also, you know, after I talked to the President on Monday.

EHRLICHMAN. Well, the President's feeling is that it wouldn't be too bad for you in your press conferences in the next couple of days to take a swing at that [putting in my own parentheses, that is me. Now I get back on the record] and just say we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead and it turns out he doesn't have anything.

KLEINDIENST. I would really at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He is essentially with us, he and Baker get along good.

EHRLICHMAN. Is he?

KLEINDIENST. [and as soon as I make this statement I intend to interrupt with my own comment] Baker has had a long talk with him and told him to shut up and said that he would—

Senator WEICKER. Now, this is serious business, it is not a time for wisecracks, it is a time for everybody to be telling the truth and to be telling it hard, and I don't think there is any question—Howard, at times you and I don't agree but Howard Baker has never in any manner, shape or form, directly or indirectly ever told Senator Weicker to shut up, and I am going to put that one right out on the record. I think that—

Senator BAKER. It is indeed a serious moment but I cannot overlook the presumptuousness of a man who is five feet seven telling a six-foot-sixer to shut up. [Laughter.]

Senator WEICKER. Thank you.

"And I talked with him"—I will just start over again.

Baker has had a long talk with him.

We are now back, this is Kleindienst speaking, talking:

I talked with him on Sunday after he said he didn't have anything but he's kind of an excitable kid and we just might not want to alienate him and I think

that if he finds himself in a direct word battle with the White House and me and loses face about it I think in the long run we might need that guy's vote.

EHRLICHMAN. I see. You don't think that this is evidence of alienation to the point of no return, then.

KLEINDIENST. No. You mean by Lowell?

EHRLICHMAN. Yeah.

KLEINDIENST. No, I don't. He's pretty disenchanted with the whole concept of it. \* \* \* Connecticut politician——

EHRLICHMAN. Well, use your own judgment on it, Richard.

KLEINDIENST [continuing]. On TV I guess seven or eight times this Sunday when I finished my testimony before my Appropriations Committee all three networks I referred to the letter that I sent to Sirica and I am also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will but secondly, that if anybody has any information we not only want it, we expect to get it so we can investigate it and if necessary, indict other people and that anybody who withholds information like that is obstructing justice. But I did not refer to Weicker and my judgment right now is not to do so.

EHRLICHMAN. OK, OK.

KLEINDIENST. If he gets to that point, the hell with him.

EHRLICHMAN. Well, our uneducated and uninformed impression was that he was trying to develop an attack line here on the White House or the President.

KLEINDIENST. If that \* \* \* if we would conclude that that is what he's up to that he is completely alienated then I say we've got to take him on.

EHRLICHMAN. Well, keep track of that and you'll be talking to Baker and you get a feel of it.

And the phone conversation goes on—this is in the possession of the committee, if any of the committee members desires a full reading of it, I will be glad to do that but I am definitely opening this along the line of our committee and the other members of the committee and I do not think the other members of the committee——

Senator BAKER. The document is in the files, and I understand was transcribed by committee staff.

Mr. DASH. Actually, this was given to the committee by Mr. Ehrlichman's counsel, Mr. Wilson, under subpoena, the actual tape we understand, is in the possession of the prosecutors.

Senator BAKER. Thank you.

Senator WEICKER. Now, Mr. Dean, I will pick up the time sequence here in a minute, but in and around this period of time, do you know of any other efforts to interfere with other members of the committee?

Mr. DEAN. Senator, I do not. At that time, I was up at Camp David at this point in time, and I was unaware of what was happening and I had developed somewhat of a strained relationship with the—with Mr. Ehrlichman and Mr. Haldeman already by this time as a result of some of the things that had occurred on the 21st and 22d. And I believe the President was in Florida.

Some time before this, however, in discussing this committee, I recall hearing, and I cannot recall specifically who raised it, that a number of members of this committee, the Republican members, may have received campaign contributions during the 1970 election from the White House and some of that money might not have been reported and that should be examined. The records of that, of those contributions, are locked in a safe in my former office; they were deposited there by Mr. Colson. I have never read them. In fact, they were put in there with instructions that nobody on my staff was to look at them, including myself, and the thought was it was to go through those and find out what was in there. I am not aware specifically of any of the details of

any of the contributions that were made to Republicans or Democrats or anyone specifically. I know this was discussed though, at one point in time.

Senator WEICKER. In other words, this was one of the matters that was discussed to look into as a means of——

Mr. DEAN. Senator, I believe it was.

Senator WEICKER. Of pressuring the committee?

Mr. DEAN. Specifically, it was in reference to you and trying in some way to embarrass you.

Senator WEICKER. I understand that and we are going to get to that.

I will have to pick up the next step on my own hook. Around April 10 I was informed by an individual who is well aware of these contributions during the 1970 campaign that he had been approached by the White House and had been requested to indicate to them that something illegal or something wrong attached themselves to the contributions made to my campaign. His answer to the White House, and his answer to press people who had been sent by the White House, was that there wasn't anything illegal and there wasn't anything wrong. But I was notified of this fact on April 10.

Now, Mr. Dean, I came to our meeting of May 3 when I, along with members of my staff and your counsel, met with you. Would you describe to the committee that incident which took place during the interview at which point in time you asked to leave the room with me?

Mr. DEAN. The meeting was arranged by counsel and counsel thought since it was becoming imminent I was going to appear up here and you wanted very much to talk with me that I should indeed cooperate and talk with you. I told them at that time that I didn't want to get into any depth of testimonial areas but I was happy to discuss sort of the outer parameters of some of my areas of knowledge because of your membership on the committee.

Before we commenced that discussion at some point in time I thought I ought to inform you of the fact that I had just raised a minute ago, that I was aware of the fact that there was an effort to embarrass you, and I didn't want to get into that discussion in front of your staff or anyone else, I thought it had come to me, I didn't know the substance of it and I thought as one person to another I ought to just tell you what I knew about that and bring it to your attention.

Senator WEICKER. What was my response to you?

Mr. DEAN. That they were barking up the wrong tree.

Senator WEICKER. Would you say that 30 seconds, a minute would be——

Mr. DEAN. I would say at the most. We turned around and went right back into the room.

Senator WEICKER. All right.

We next move to an incident that occurred within the last several days whereby a reporter in Washington, D.C., was informed by Mr. Charles Colson that he was involved in the giving of moneys to my campaign and that he had reason to believe that the money was not properly handled, and quite frankly I was being a disloyal Republican and the time had come to swing around.

When pinned to substantiate this request, there was absolutely no substantiation by Mr. Colson. But that was enough to finally go ahead and get me a little mad, and so a couple of days ago I indicated over NBC television prior to these hearings that efforts were still being made to pressure this committee, and indeed yesterday I received a call from the White House from Mr. Len Garment, and he was most concerned about my statement, wanted to know what the facts were.

I indicated to him the Colson story which I have just read here. I did not indicate to him our meeting, I did not indicate to him the attempt of the White House to communicate with another individual who, for the time being, I shall leave nameless.

I then told Mr. Garment that Mr. Colson was his problem, he wasn't my problem. And the time had come either to step forward and make a specific charge or to go ahead and disavow these attempts to snare a member of the committee.

But I don't think that is enough, and so this morning I communicated with Mr. Archibald Cox, the special prosecutor. I think I have had sufficient personal experience both in reading the pay telephone conversation and with this nebulous threat as to campaign funds so that, in my opinion, there is the possible violation of yet another law. And after all the violation of laws is the business of the prosecutor and not this committee and, therefore, I have communicated all the facts that I have discussed here with you with the prosecutor, and I have asked him to look into the possible violation of section 1505 which is the obstruction of proceedings before departments, agencies, and committees, and the last part of the section says, "Whoever corruptly or by threat of force or by any threatening letter, communication, influences, obstructs or impedes or endeavors to influence, obstruct or impede the due and proper administration of the law under which such proceeding is being had before such department or agency of the United States or the due and proper exercise of the power of inquiry under which such inquiry or investigation is being had by either House or any committee of either House or any joint committee of the Congress shall be fined not more than \$5,000 or imprisoned not more than 5 years or both."

Now, I know, Mr. Dean, that I have been making you sit through an event that you only had a small part in but I think it is important.

Mr. DEAN. If I might just add, Senator, there may be a parallel story but I don't pretend—but I would not like to get into it right now—as far as efforts to attack my own character in some of the individuals that I have become aware that have been involved in that also.

Senator WEICKER. Let me ask you this: Have there been any attempts to influence you in your testimony regarding your testimony before this committee?

Mr. DEAN. There has been every effort in the world to make me look in the worst possible light, to try to intimidate me through that process, to try to make it as difficult as possible for me to testify. That has occurred. Yes.

Senator WEICKER. Let's put it this way: whether it is you in that witness chair or whether it is me in this committee chair or any other

man in back of this table or any other witness who is going to come before this committee, there are going to be no more threats, no intimidation, no innuendo, no working through the press to go ahead and destroy the credibility of individuals. If the executive branch of Government wants to meet the standards that the American people set for it in their mind then the time has come to stop reacting and stop playing this type of a game, and either disavow it completely or make the very specific charges that apparently are being leaked out either against the committee members, or against the witnesses appearing before this committee.

Now I am going to conclude this way, Mr. Chairman, and then I am done, and I have tried to, as I say, accomplish one role that I think needed accomplishing in these hearings: among the rumors that are floated around, and this isn't hearsay, are on three different occasions plants to the effect that I am such a disloyal Republican and I am going to switch to the Democratic Party.

Now, I am going to tell you, in your memorandum, Mr. Dean, you went ahead and had me described, whether it was you or Mr. Halde-man or whoever was there, as an independent who would give the White House trouble. But I say before you and I say before the American people and this committee that I am here as a Republican and, quite frankly, I think that I express the feelings of the 42 other Republican Senators that I work with, and the Republicans of the State of Connecticut and, in fact, the Republican Party, far better than these illegal, unconstitutional, and gross acts which have been committed over the past several months by various individuals.

Let me make it clear because I have got to have my partisan moment, Republicans do not cover up; Republicans do not go ahead and threaten; Republicans do not go ahead and commit illegal acts; and God knows Republicans don't view their fellow Americans as enemies to be harassed but rather, I can assure you, that this Republican, and those that I serve with, look upon every American as human beings to be loved and wanted. Thank you very much, Mr. Chairman. [Applause.]

Senator BAKER. Senator Weicker, thank you very much.

I think that it might be in order at this time to remark that I had the opportunity to discuss this matter with you this morning before the committee hearings began and, at that time, you and I discussed the possibility that if there were, in fact, indications that anyone had tried to create an atmosphere or to produce a malicious impact on any witness or any member of this committee, that under the statute law and according to the precepts of fairplay, that would be a legitimate inquiry for the staff of this committee and for the other law enforcement agencies of the country.

So may I call on you, and any other member of this committee and, in the absence of the chairman but I am sure that I speak his sentiments as well, to say that as, if, and when we develop information of past occurrences that ought to be investigated, and certainly of future ones, relating to any person, relating to any witness, relating to any member of this committee that that will promptly be investigated by the staff of this committee surely within the scope and jurisdiction of our effort.

With that, it is 5:30 and I would ask the sentiment of my colleagues on whether we should continue at this time or adjourn until 10 in the morning.

If there is no objection, then the committee will stand in recess until 10 tomorrow morning.

[Whereupon at 5:30 p.m., the committee recessed to reconvene at 10 a.m., Friday, June 29, 1973.]





FRIDAY, JUNE 29, 1973

U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.*

The Select Committee met, pursuant to recess, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Ray St. Armand, assistant publications clerk.

Senator ERVIN. The committee will come to order.

I would like to thank Senator Baker for presiding during my temporary absence yesterday afternoon and also, in addition to saying my thanks to him, I would like to state that I have never had the privilege of performing a public service with a more courageous and independent man than my vice chairman.

I would also like to make this statement: The committee has discussed the question of holding hearings next week but the staff has been so pressed in preparing testimony and talking to witnesses that we decided we would make more progress by taking next week off and leaving the staff here to work. I would like to praise the staff because in connection with preparation of the transcripts of Mr. Dean's testimony some 12 or 14 members of the staff who had worked all day Saturday and all day Sunday, also stayed up Sunday night in order to enable the committee to go ahead with the hearing on Monday, and I have never known a more diligent and more dedicated staff on any committee than this committee has the honor of having.

Thank you.

Senator BAKER. Mr. Chairman, might I respond just for a moment? I thank you most deeply and humbly for your remarks. I say not just in a spirit of reciprocation but with absolute sincerity that, and I have

said it before and I would like to say it again, I have never in my life worked with a man who has been more cooperative, who has been more sensitive and understanding to the importance of this occasion and who has tried hard to make a bipartisan effort of these hearings which I think they have been. It has been a great privilege for me to learn from you and to go forward in this unpleasantness.

Senator ERVIN. Thank you.

Senator Montoya.

Senator MONTOKA. Thank you, Mr. Chairman.

Mr. Dean, I presume while you were counsel at the White House that you had many discussions and probably provided input to some legal opinions with respect to the separation of powers vis-a-vis the possibility that the President might be subpoenaed before any congressional committee.

### TESTIMONY OF JOHN W. DEAN III—Resumed

Mr. DEAN. No, sir, I do not.

Senator MONTOKA. Did anyone else?

Mr. DEAN. Not while I was present at the White House do I recall that subject being researched by my office, certainly.

Senator MONTOKA. Did you have any discussions pursuant to this?

Mr. DEAN. Senator, I might respond in this regard, that much of the doctrine of executive privilege, and there were several statements issued on the policy of executive privilege, stemmed from the separation of powers concept, and it was the President who told me that rather than refer to the matter as executive privilege that Mr. Ziegler should start referring to it as separation of powers.

Now, when we were looking into the problems of executive privilege, of course, there were collateral reviews but not as far as the President vis-a-vis an appearance per se was ever researched as opposed to staff appearances.

Senator MONTOKA. I noticed from reading the President's press statements that he used the separation of powers and Mr. Ziegler, in his press statements, used that term and also the term executive privilege.

Now, was there any legal opinion with respect to the ground that the two facets or two phrases covered?

Mr. DEAN. Well, as I said, I think you will find that about in mid-March the phrase "executive privilege" was not being used as much and they began using the phrase publicly "separation of powers." As I say, this resulted in some discussions in preparing the President for press conferences that occurred in mid-March, and the President said that he did not want to use the phrase "executive privilege." Rather he wanted to use the phrase "separation of powers" and instructed Mr. Ziegler to do likewise.

How often Mr. Ziegler has subsequently used the phrase "executive privilege" I do not know. I have not studied the transcript.

Senator MONTOKA. Are you aware that anybody might have advised the President as to whether or not he was subject to a subpoena of a congressional committee?

Mr. DEAN. I have no firsthand knowledge of that, Senator.

Senator MONTROYA. Now, referring to the President's news conference on August 29, 1972, and I will quote from that conference, a reporter asked this question:

Mr. President, would not it be a good idea for a special prosecutor, even from your standpoint, to be appointed to investigate the contribution situation and also the Watergate case?

Answer:

The PRESIDENT. With regard to who is investigating it now, I think it would be—it would be well to know that the FBI is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presenting the matter to the Grand Jury. The Senate Banking and Currency committee—

I presume he meant the House—

is conducting an investigation. The General Accounting Office, an independent agency, is conducting an investigation of those aspects which involve the campaign spending law. Now with all these investigations that are being conducted, I don't believe that adding another Special Prosecutor would serve any useful purpose.

Now, you stated before that there was a move at the White House to try to stop the House Banking and Currency investigation, and you presented testimony as to what went on in the White House in the background.

Now, was this going on under auspices of anyone close to the President?

Mr. DEAN. Well, of course, on September 15 I had had a discussion with the President about this. He had asked me about the Banking and Currency Committee investigation. He had asked me who was handling it for the White House. I had reported that Mr. Richard Cook was the man who had formerly worked with the Banking and Currency Committee as a member of the minority staff, was very familiar with the members of the committee, and at the conclusion of my report I recall him saying that he wanted Mr. Timmons to get on top of the matter and be directly involved in it also.

Senator MONTROYA. And that was about the time that he was making this statement to the press?

Mr. DEAN. Well, that preceded—that is correct. Of course, it was September 15 that that arose in his office directly and we are talking about a press conference in August, and during the following weeks, of course, there was an ever-increasing effort of the White House to deal with the Patman committee hearings as I have so testified.

Senator MONTROYA. When did the President tell you this? Was it before August 29 when he made the statement at the press conference or after?

Mr. DEAN. It was after, September 15.

Senator MONTROYA. It was approximately 17 days later.

Mr. DEAN. That is correct.

Senator MONTROYA. 17 or 18 days.

In the same, and as he went along, the President said as follows:

The other point that I should make is that these investigations, the investigation by the GAO, the investigation by the FBI, by the Department of Justice have at my direction had the total cooperation of the—not only the White House but also of all agencies of the government.

I want you to pay special attention to this. This is quoting the President still.

In addition to that, within our staff under my direction Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the Government. I can say categorically that his investigation indicates that no one in the White House staff, no one in this Administration presently employed was involved in this bizarre incident.

Now, I ask you this question: With respect to any project that you handled directly for the President where a report was required wouldn't you assume that if this is true that you would have been required to file a report?

Mr. DEAN. Yes, sir.

Senator MONTROYA. And also if, assuming that this was true, wouldn't that report be available at the White House?

Mr. DEAN. That is correct.

Senator MONTROYA. And so assuming the correctness of the President's statement then it necessarily follows that if you made a complete investigation at his behest, and for him, that the President should produce that Dean report?

Mr. DEAN. I already believe that the White House has indicated there was no Dean investigation. I think that is one of the inoperative statements. [Laughter.]

Senator MONTROYA. But it is still your testimony that you were not requested by the President to make a report to him or to conduct this investigation.

Mr. DEAN. Not at that time, Senator; that is correct.

Senator MONTROYA. All right.

I want to go into this a little further the matter of the San Clemente conferences.

Now, did you discuss specifically with Mr. Haldeman, with Ehrlichman and others who might have been attending their matters directly dealing with the so-called coverup?

Mr. DEAN. Yes, we did.

Senator MONTROYA. Now, will you as succinctly as possible, as briefly as possible, relate for the record now just exactly what those discussions were with respect to the coverup?

Mr. DEAN. Well, we had a lengthy discussion ranging over 2 days, and I have estimated between 12, 14—10, 12, 14 hours—I do not know how many hours totally were spent in a discussion, that basically were focusing on how to deal with this committee. At the end of that discussion, on the last day of the discussion, on Sunday afternoon, what I described as the bottom line question came up, because everything depended upon the continued silence of the seven individuals who had either been convicted or had pleaded guilty. Would they remain silent during the duration of these hearings? I was asked that question.

I said, I cannot answer that question, because I do not know. All I know is that they are still making money demands.

Preceding that, there had been a good bit of discussion between Mr. Haldeman and Mr. Ehrlichman and back and forth to Mr. Mitchell as to who was going to raise the necessary money. I reported to them that there was nothing I could do, this was out of my hands, that Mr.

Mitchell had felt it was not his responsibility to raise this money and he was not interested in doing it. Mr. Ehrlichman and Mr. Haldeman said that they thought it was his.

Finally, they asked Mr. Richard Moore, who was also attending the meeting, to go to Mr. Mitchell and lay it on the line that it was Mr. Mitchell's responsibility.

Now, I assume they did that because Mr. Moore had spent time at the Department of Justice working very closely with Mr. Mitchell and knew Mr. Mitchell. He was an older man and they felt probably sending Mr. Moore as a direct emissary from them, rather than myself when I had failed to accomplish what they thought was necessary, might solve the problem.

I later learned that Mr. Moore indeed did go to New York and did raise this with Mr. Mitchell, but Mr. Mitchell virtually ignored the matter when it was raised by Mr. Moore.

Senator MONTOLA. Were these particular conferences at San Clemente designed to just discuss the matter of Watergate?

Mr. DEAN. They were designed to discuss how to deal with this committee so that the coverup would not unravel up here before this committee.

Senator MONTOLA. That is all, Mr. Chairman.

Thank you.

Senator ERVIN. Senator Gurney?

Senator GURNEY. Thank you, Mr. Chairman.

Just a few questions, Mr. Dean. I would like to go back to the Kalmbach meeting again, when you and he first discussed this coverup money.

Mr. DEAN. On the 29th, Senator?

Senator GURNEY. June 29.

Mr. DEAN. Yes.

Senator GURNEY. You are absolutely certain about that date? It could not have occurred in July, could it have?

Mr. DEAN. The first meeting I had with him was when I flew in—he took the last flight, I believe, out of Los Angeles. We met the next morning. The records—he very seldom stayed at the Mayflower Hotel and he was staying at the Mayflower Hotel and I would assume that if the committee investigators would check the records of the Mayflower Hotel, they could confirm that date. That is the best of my recollection, that it was the 29th.

Senator GURNEY. This was the June 29 date?

Mr. DEAN. Yes.

Senator GURNEY. Was there anyone else at the meeting?

Mr. DEAN. No, sir, there was not.

Senator GURNEY. And my recollection is that you had a short meeting in the coffee shop, is that right?

Mr. DEAN. I was to meet him in the coffee shop and I recall we sat down in the booth and it did not appear very private in the booth, so we decided to go to his room to discuss the matter.

Senator GURNEY. And that was there in the Mayflower Hotel?

Mr. DEAN. That is correct.

Senator GURNEY. Well, the committee has subpoenaed the records of the hotel. I have a letter here from the Mayflower, and also one from

the Statler Hilton. I would like a committee staffer to give these copies to the witness.

Now, as you will see today, the letter is from the Mayflower Hotel, dated June 27, 1973, addressed to Senator Gurney, Select Committee on Presidential Activities, U.S. Senate Office Building, Washington, D.C.

Dear Senator Gurney, in reply to your request of June 27, 1973, to the best of our knowledge, the records do not reflect a Mr. Herbert B. Kalmbach as being a registered guest during the period of June 1, 1972, through July 1, 1972. Very truly yours, Ray Sylvester, Senior Assistant Manager.

Then the other letter from the Statler Hilton, again addressed to me. This also has the subpoena of the committee plus photostatic copies of the hotel records. The hotel record photostatic copy is not very good here, so I think we are going to have to go by the letter itself. At any rate, here is what it says:

Attached, please find photostatic copies of a previous subpoena served on the Washington Statler Hilton, registration card and folio B 86403, for Mr. Herbert W. Kalmbach who was registered in our hotel from June 29-30, 1972.

Original folio and registration card were received in compliance with the previous subpoena by Angelo J. Lano, S.A.F.B.I., telephone number 324-2685.

We are unable to locate any further records on Mr. Kalmbach.

Sincerely, William J. Utnik, General Manager.

Now, as I recall, you have testified three times very positively that you met with Mr. Kalmbach in the coffee shop of the Mayflower Hotel.

Mr. DEAN. Absolutely. That is correct.

Senator GURNEY. And then retired to his room in the Mayflower. How do you account for these records here?

Mr. DEAN. The only thing I can suggest is that Mr. Kalmbach may have been registered under another. Let me elaborate on that.

Mr. Kalmbach often discussed matters in a code name. For example, after our discussion, he began referring to Mr. Hunt as "the writer." He began referring to Mr. Haldeman as "the brush." He began referring to Mr. Mitchell as "the pipe." These would be the nature of our discussions and this might explain the fact that he decided not to use his own name in registering in the hotel.

I think the person that could answer that best is Mr. Kalmbach, because I have a very clear recollection of walking into the coffee shop, meeting in the coffee shop, going to his room. It was a small room. He had not really had a chance to get a good night's sleep because he had been flying all night. To maintain further privacy, I recall him also turning on the television next to the adjoining door and we sat on the other side of the room and had the conversation in which I relayed to him everything I knew at that point in time. So I think Mr. Kalmbach will have to answer that question as to why his name does not appear on the register.

Senator GURNEY. Well, it also occurred to me that that could be the case, that he was using an assumed name, but then when we ran into this other record at the Statler-Hilton Hotel, it just does not make sense. If he was coming into the city under an assumed name so that no one would know he was here and no later record could be found, why in the world would he register under his own name at a nearby hotel,

the Washington Hilton, and then engage another room over in the Mayflower to meet with you? It just does not add up.

Mr. DEAN. I see what you are saying. I have testified the Mayflower and I am never sure which is the Mayflower and which is the Statler-Hilton. The hotel I recall is the one that is on 16th Street up from the White House. I know I walked up from the office to his room.

Senator GURNEY. How long have you lived in Washington?

Mr. DEAN. I have been here about 10 years.

Senator GURNEY. And you don't know the difference between the Washington-Hilton and the Mayflower Hotel?

Mr. DEAN. I continually get them confused, I must confess.

Senator GURNEY. Well, I must say I am reminded of your colloquy with the chairman yesterday, Mr. Dean, when you said what an excellent memory you had right from schooldays right on down; that is why you were able to reconstruct—

Mr. DEAN. That is right, my memory is good, but I confuse some names often. I don't pretend to have a perfect memory. I think I have a good memory, Senator.

Senator GURNEY. But you can't remember really now, after testifying three times very positively, whether it was the Statler-Hilton or the Mayflower?

Mr. DEAN. Well, Senator, the point in substance here is the fact that the meeting did occur. We met in the coffee shop. We went from the coffee shop to his room. We had an extended discussion of the matter, and that is very clear in my recollection, the substance of the event.

Senator GURNEY. And one of the reasons I am curious about this, really, it is less an attempt to try to confuse you than it is an attempt to try to pin you down. You haven't tried to conceal the meeting, and Mr. Kalmbach, of course, knows all about it, too.

Mr. DEAN. That is correct.

Senator GURNEY. And he is going to testify before this committee, there is no question about that. But I can't understand the confusion in where it took place, because it is an extremely important meeting, obviously. This is where the coverup, as far as the financial part of it, first started.

Are you sure the meeting didn't occur somewhere else?

Mr. DEAN. I can recall very clearly meeting Mr. Kalmbach in the coffee shop. The coffee shop was crowded, it was busy. We could not find a booth that was quiet. We went from the coffee shop to his room and as I say, I recall very clearly him turning the television on, because there was a door, an adjoining door next to the room. Then we proceeded to have our conversation. It was a rather lengthy conversation.

Senator GURNEY. Well, could that particular meeting you speak of at the Mayflower have occurred some other time? Could it have been a later meeting or an earlier meeting?

Mr. DEAN. No, sir. To the best of my recollection, this was the first time we ever talked about this matter and these were the circumstances under which we talked about it, when he flew in from California. He had taken a late flight, he was tired, and we met in the coffee shop, went to his room, as I have repeated, then had the discussion.

Senator GURNEY. Let me just try to refresh your recollection. Could this meeting have taken place out in front of the Hay-Adams Hotel?

Mr. DEAN. In front of the Hay-Adams Hotel?

Senator GURNEY. That is right, that you walked over from your office and he walked over from his hotel and met out in front of the Hay-Adams and discussed it there?

Mr. DEAN. I have testified to a subsequent occasion when we met, after he had the money in his possession, as he told me, and I believe he told me he was going to meet with Mr. Ulasewicz at that time. That was in Lafayette Park. I can recall very clearly being in Lafayette Park, because we stood and we each put our foot up on the bench and we were looking back over at the White House and talking. He had his attaché case with him. I had walked out of my office and this was some time after this initial meeting.

Senator GURNEY. That couldn't have been the initial meeting, at least according to your recollection?

Mr. DEAN. No, sir.

Senator GURNEY. Well, I guess we will just have to wait for Mr. Kalmbach and find out what he remembers.

Let's go back a little bit to the credit cards again. You know, we had a discussion on that and the use of the \$4,850. I asked you why you couldn't use credit cards.

Mr. DEAN. And I responded I preferred not to use credit cards.

Senator GURNEY. Well, now, the committee staff has brought to my attention here a list of some of the checks drawn on your account. I wonder if the staff would furnish the witness with a copy of these checks.

Mr. DEAN. I can barely read the copy I have here, particularly the first one, Senator.

Senator GURNEY. Well, I can't read the first one, either, but I really don't think that is important. The second one down, which is legible on my sheet here—is it on yours?

Mr. DEAN. Yes, it is.

Senator GURNEY. That is a check as I see dated September 21, 1972. This was very close, of course, to the October taking of the \$4,850. Here is a check made out to the American Express Co. for \$908.47.

Mr. DEAN. That is correct.

Senator GURNEY. Signed John W. Dean. Is this a check drawn on your account?

Mr. DEAN. Yes, it is.

Senator GURNEY. Is this in payment of credit card bills?

Mr. DEAN. Yes, it is.

Senator GURNEY. Then we go down a little further on November 3. There is another check drawn to Bankamericard for \$250.51. Is this also your check?

Mr. DEAN. That is correct.

Senator GURNEY. Is this also for credit card bills?

Mr. DEAN. Yes, it is.

Senator GURNEY. Then going further down, there is another further check dated November 22, 1972, Bankamericard, \$106.50.

Is this your check?

Mr. DEAN. Yes, it is.



Senator GURNEY. Did that go for credit card payments?

Mr. DEAN. Yes, it did.

Senator GURNEY. Then dropping further down, another in March to the American Express Co. for \$531.45.

Is this your check?

Mr. DEAN. That is correct.

Senator GURNEY. And another in April, American Express Co., \$459.17.

Mr. DEAN. That is correct.

Senator GURNEY. Now, I don't know whether there are others or not, because we don't have all of the financial records.

Mr. DEAN. I am sure there are, Senator.

Senator GURNEY. Do you have any recollection what those were for?

Mr. DEAN. Off the top, I do not. As I have told the committee, I am perfectly willing to turn over all of my financial records to the committee where these can be fully analyzed. I believe in my own records will be found the stubs that indicate that each expenditure is for a given credit card payment. I know that because of the result of some foreign travel, when I did use my credit cards, when traveling abroad, some of the foreign travel particularly takes as much as 6 months to a year, which surprised me, to catch up to make a payment.

Senator GURNEY. I see.

Do you have an air travel credit card?

Mr. DEAN. No, I do not.

Senator GURNEY. You would pay for your air travel either off American Express or BankAmericard?

Mr. DEAN. That is correct, or by cash.

Senator GURNEY. Let me ask the chief counsel of the committee, have we subpoenaed the financial records?

Mr. DASH. We have subpoenaed all the records of Mr. Dean and we also have one of our chief investigators, Mr. Carmine Bellino, who will be going over those records with Mr. Dean.

Mr. DEAN. I might go back over one point. The name of the coffee shop at the Statler Hilton is the Mayflower. [Applause.]

Senator ERVIN. The audience will please refrain from applause or demonstrating their reaction to any testimony.

Senator GURNEY. Is that what your attorney just told you?

Mr. DEAN. Yes, he did.

Senator GURNEY. His memory apparently—

Mr. SHAFFER. Mr. Chairman, that was Mr. McCandless. I would like to give him credit for that. [Laughter.]

Senator GURNEY. Let me ask you, Mr. Dean, what does that mean now, what is your testimony so that we can get it on the record here?

Mr. DEAN. What I would like to say is I have a very clear recollection of meeting with Mr. Kalmbach in the coffee shop before our meeting in his room. I think Mr. Kalmbach can resolve, if it is important to the Senator, the particular location of that meeting. To me there was the substance of the meeting that was the important thing and I think I have relayed to the committee the full substance of the meeting and what occurred as a result of the meeting.

Senator GURNEY. Now, what is your testimony as to what hotel?

Mr. DEAN. To the best of my recollection, it was the Mayflower but I am perfectly—if I am incorrect I will stand corrected.

Senator GURNEY. Now, to get back to the payments for the credit cards here, of course, all I wanted to point out is that you did frequently use your credit cards. Is that not correct?

Mr. DEAN. Yes, I did use them but as I say, I prefer not to live on credit. When I made the reference to that I have other credit cards as when my records will reveal when they are turned over to the committee, when my full checking account is revealed it will note that most of my expenditures are paid for by check. There is nothing more shattering to me than to see a check come through like this September 27 check for 900-and-some dollars because I can never remember that I am expecting such an amount and I live basically on my salary and do not like to reach into brokerage accounts and capital to make expenditures. So as I say, I think this is fully revealed to the committee when my financial materials are gone through in great detail and the committee, if that is their desire, are welcome to have those records.

Senator GURNEY. But it is not your testimony that you use credit cards only for expenses in connection with your job. You do use credit cards for personal expenses, is that correct?

Mr. DEAN. Well, for example, Senator, when I was at the Republican Convention, and often traveling on behalf of the Government, I knew I would be reimbursed for some of those expenses. Rather than to go to some elaborate procedure when you are checking out of a hotel, I stayed at the Doral Hotel, I had a bill there for several days, the easiest way to check out is to use a credit card, particularly when you know you are going to be reimbursed because it is a Government-related expenditure or a job-related expenditure and the like, and I think that that will be reflected when Mr. Bellino goes through my financial records that that was often the case with some of these expenditures.

Senator GURNEY. Well, I have no doubt it is. I am sure that will be true but my question was do you not use credit cards for personal expenses, too?

Mr. DEAN. Yes; I do.

Senator GURNEY. That is all I was asking.

Mr. DEAN. Yes.

Senator GURNEY. Another point that I am interested in here is this meeting of March 21 with the President which, of course, was an extremely important meeting. I was going over that yesterday, and there was one part of that that I must say totally confused me. I just did not understand it.

Summarizing briefly, you mentioned, of course, that you talked to the President about perjury being committed, you talked about the cover-up, if it was going to continue it would require more perjury and more money because of the demands that were being made upon, by these convicted people, and you said it was time for the surgery on the cancer itself and all those involved to stand up and account for themselves. In other words, a rather complete briefing to the President on the whole Watergate affair. I just touched some of the highlights there.

But then, you also made this statement:

After I finished I realized that I had not really made the President understand because he asked me a few questions, after he asked me a few questions he sug-

gested it would be an excellent idea if I gave some sort of briefing to the Cabinet and that he was very impressed with my knowledge of the circumstances but he did not seem particularly concerned about their implications.

Well, I must say I overlooked that, I think, totally when the testimony was first given, and I must say it does not seem to make any sense to me at all.

If the President was now fully knowledgeable about this whole coverup business, and a part of it, as I think you have indicated before the committee here, why in the world would he want the Cabinet briefed?

Mr. DEAN. Well, as I—when the matter came up, the conversation had tapered down and we were into a light question and answer session about some of the areas that I had gone into, and I must say that I had a similar reaction, and I said to the President—

Mr. President, I do not think this is the sort of thing that I could give a briefing on even a tailored-down briefing on.

But he felt it might be important that I explained some of the parameters of the problem and the like. It was not a lengthy matter. I felt at some time during my presentation that he was very sort of impressed with the way I was giving the presentation. I tried to, I was trying to, really give one of the most dramatic speeches I had ever given in my life.

Senator GURNEY. Well, it still is totally—

Mr. DEAN. I might add I never did give a briefing to the Cabinet and that was dropped immediately in the conversation. I added that because it stuck in my mind that as one of the points that I really did not feel that I had made the full implications of this thing clear but that is the sort of thing that as you noted in the testimony, it was noted very clearly in my mind when the suggestion came up.

Senator GURNEY. Well, that occurs to me too, that maybe the President did not understand for some reason. I cannot imagine a President of the United States, knowing that his two chief aides, Mr. Haldeman, Mr. Ehrlichman, yourself, and Mr. Colson, LaRue, Mardian, Magruder, Mitchell, all these people being involved in this criminal activity or possibly involved in this criminal activity, I do not want to accuse them of crimes over this national television here, but these supposedly were all involved in this and then there was coverup money with his personal attorney Mr. Kalmbach and all of these things went on, and if he knew that, as I understand your thesis is how in the world would he have suggested anybody who had total knowledge of this like you, suggested them to go to the Cabinet and tell them about it?

Mr. DEAN. May I respond in several parts you have stated that I have a thesis. I have no thesis, I have no wish other than to report by this committee the facts as I know them.

Second, this was a part of a dialog that followed. I do not think the President had any intention of sending me in to report in full as I had just reported to him. I made it, the comment, in my testimony because it stuck in my mind as evidence of the fact that the President did not really still realize the implications of what I was talking about and it recalled to me the similar and earlier occasions when I tried to raise with him my own involvement in this matter and explain the obstruction of justice involvement and he did not seem to want to hear

it or get into it or anything of that nature. So that is why it is in the testimony because it is the sort of thing, Senator, as you, when you re-read the testimony, it pops right off that page and it stuck right in my mind the same way.

Senator GURNEY. Well, it did, and I must say it rather startled me, I really did not understand why I did not hear it the first time, and that same thing occurred to me that maybe even on March 21 he was not totally aware of all of these things that you testified to here these last 5 days otherwise I cannot understand why he would have suggested that you go to the Cabinet with it.

Well, let us get on here. Late in March or early April you did decide that you had had enough of this business and that you wanted out of it.

Mr. DEAN. Senator, you said early April.

Senator GURNEY. Late in March or early April.

Mr. DEAN. Excuse me, I did not hear that.

Senator GURNEY. You decided that you had had enough of this coverup, and you wanted to get out of it, and go on your own course, and as I would put it maybe come clean, is that a fair way of saying it?

Mr. DEAN. Senator, what I wanted to do I was trying to work internally within the White House. I was very anxious to get the President out in front on this issue. I had conversations from Camp David with Mr. Moore, exploring further ideas. We had explored this on countless occasions, on how to end it, how to get the President out in front of it, have the President taking the action to end it, decisive action to end it. By the time I went to Camp David I realized that I had not accomplished what I was trying to do internally and began to think about that I might have to be the one to stand up and take my own steps.

Senator GURNEY. And taking your own steps, of course, would be revealing and telling the whole story, is that not what you mean?

Mr. DEAN. That is correct.

Senator GURNEY. Well, now, you went before the grand jury last week, did you not?

Mr. DEAN. That is correct.

Senator GURNEY. Did you tell them the whole story?

Mr. DEAN. I decided to exercise my constitutional rights at that point in time.

Senator GURNEY. What do you mean by that?

Mr. DEAN. I invoked the fifth amendment.

Senator GURNEY. You did not tell them anything, did you?

Mr. DEAN. No, sir; I did not.

Mr. SHAFFER. I hate to interrupt, Senator—

Senator GURNEY. I might point out to the chairman, because I do think that we ought to have the rules understood, that the witness' counsel may defend his constitutional rights but the attorney cannot testify here or make statements on his own behalf or even on behalf of his client, as I understand the rules the committee is operating under, is that correct?

Senator ERVIN. I don't know what the counsel wants to say.

Mr. SHAFFER. I would say it in a way that is a proffer. I would like to defend my client's constitutional rights and by so doing I would like to call to the attention of the chair the fact that in 1959 our Supreme Court decided the case of *United States v. Gruenwald* and

in that case the Supreme Court said that it is not proper cross-examination and it is not inconsistent for a witness on one occasion to take his fifth amendment right and on another occasion testify, and as a result of that decision, the case had to be retried in the Southern District of New York and the man who made the mistake went to the Federal bench and the man who retried the case lost it and went into private practice.

Senator ERVIN. I might state to the counsel that just about all of the testimony that has been presented here before this committee, whether by this witness or any other witness, a good bit of it would never be admissible in a court of law. I think counsel ought to understand that too.

Mr. SHAFFER. I might add, Senator, it would be admissible before the grand jury.

Senator ERVIN. The rule of law, as I understand it, where you have evidence tending to show two or more people conspired either to do an unlawful act or to do a lawful act in an unlawful method, by unlawful means, then any action or statement made by one of the parties to the conspiracy in furtherance of the objective of the conspiracy is admissible in evidence. In my judgment as a lawyer, while we have some hearsay and we have had some questions asked that were not admissible in a court of law, I think the great bulk of the testimony that has been produced here would be admissible in a court of law.

Mr. SHAFFER. I might also add, Mr. Chairman—

Senator ERVIN. I will give any member of the committee or anybody else the right to disagree with my legal opinion but that is my legal opinion.

Senator GURNEY. Mr. Chairman, I would like to address myself precisely to the point we are talking about. Under the rules of procedure for the Committee on Presidential Campaign Activities, rule 20 says—

The sole and exclusive prerogative of the counsel shall be to advise such witness when he is testifying of his legal rights and his constitutional rights.

Mr. DASH. Mr. Chairman, I think—

Senator GURNEY. No question has been posed that I know of to the witness at this moment that interferes with his constitutional rights. I simply asked him if he had gone before the grand jury, he said he had and he said he had taken the fifth amendment.

Mr. DEAN. Also while I was there, I tried to convey to the grand jury that I wished I could tell them the story because everything that I have told this committee would be admissible before the grand jury and the grand jury was very anxious to hear it.

I would also recall to the Senator that I had had extensive discussions with the prosecutors about the timing of my appearance before the grand jury. The prosecutors themselves were in the middle of the situation of whether there was going to be a special prosecutor or no special prosecutor, and no regulation of that was mentioned and I think you will find in an affidavit attached to a motion filed in the court regarding my appearance before the grand jury some of the facts that relate to that, and the fact that I was being brought before the grand jury, the reasons I was being brought before the grand jury and reflect-

ing the decision based on the advice of counsel as to why I did at that point in time invoke the fifth amendment because of some unusual cases in this jurisdiction, the leading case being the *Ellis* case which I had referred to the Senator to read as to what happened when one waives ones rights in this jurisdiction being a unique jurisdiction and being a lawyer as you are, I am sure you would understand looking at that entire picture the reason that I feel it was necessary to do that.

Senator GURNEY. I don't know of course what the *Ellis* case provides.

Senator ERVIN. I want to say since the rules of the committee have been invoked, I would like to call the attention of the committee to rule 16 which says:

"Any objection raised by a witness or his counsel to procedures or to the admissibility of testimony and evidence, shall be ruled upon by the chairman or presiding member and such ruling shall be the ruling of the committee unless a disagreement thereon is expressed by a majority of the committee present. In the case of a tie, the ruling of the Chair will prevail.

I interpret that as the right to give counsel and the right to object to the admissibility of testimony.

Senator GURNEY. I do so too. So why doesn't the counsel state his objection.

Mr. SHAFFER. I did, Mr. Chairman, and my suggestion is, simply stated, it is improper to raise the question that on a previous occasion he raised the fifth amendment.

Senator ERVIN. I would state it a little differently. The Supreme Court has held that if a witness can be impeached by testimony that on the previous occasion he pleaded the fifth amendment, then the value of the fifth amendment to the witness would be virtually destroyed.

Mr. SHAFFER. I adopt that statement.

Senator GURNEY. I am not exactly sure whether I asked him that question or not. I asked him if he had been before the grand jury and told his story and I think his reply was no that he took the fifth amendment is my recollection of the answer.

Mr. DEAN. It was, the only answer I could give to your question, Mr. Chairman, is why my counsel came to his feet.

Senator GURNEY. Well, suppose we go on to what is happening here now. That is, I think, very interesting. Here, of course, we have had testimony for 5 days, this is the fifth day. It started with a statement of 245 pages, and indeed you have endeavored to tell the committee everything, of course, that you knew about the case and the committee certainly is very grateful for that. But you are testifying here under immunity, are you not?

Mr. DEAN. I have been compelled to appear here to testify. The committee had made a decision I understand by a unanimous vote to grant me immunity. I don't come before this committee without substantial consequences on my future legal rights even though I am under immunity.

Senator GURNEY. But none of what has transpired here as far as your testimony is concerned can be used against you in a further criminal proceeding. Isn't that correct?

Mr. DEAN. That is correct. If it is impossible—or if it is possible to take the lead problem out of an individual's testimony.

Senator GURNEY. Now, just in summary, Mr. Dean, I wonder if we can go over the salient points of the 5 days. Again as I understand it, to your own knowledge you have no knowledge that President Nixon was ever involved in the planning or the break-in at Watergate; is that correct?

Mr. DEAN. I have no direct knowledge of that, that is correct.

Senator GURNEY. Then, in the year 1972 the only meeting you ever had with the President on Watergate was on September 15, is that correct?

Mr. DEAN. Yes, and I believe we have been over that in detail.

Senator GURNEY. We have been over that in detail, and I don't think it would serve any purpose to go over it again.

In 1973 the two occasions that you did discuss Watergate with him prior to March 21, was that meeting on February 27, is that correct?

Mr. DEAN. Well, as I, in answering Senator Baker's questions yesterday I don't know if you were present, Senator, we were going through all of the circumstantial situations leading up to the meetings that occurred in February and March, and the fact that there was a developing strategy that had occurred in California at the La Costa meetings and on the tail end of those and consistent with those I had a number of meetings with the President where subjects related to that particular California policy-setting meeting were being continually discussed.

Senator GURNEY. I understand that, but I mean the direct involvement of the possible criminal activities of Watergate, February 27 was the first meeting, was it not, when, as you testified, the question of obstruction of justice came up, isn't that correct?

Mr. DEAN. That is correct.

Senator GURNEY. And you stated that you might be implicated in some way in that, and the President said no, he didn't think so. Isn't that the substance of that?

Mr. DEAN. That is correct.

Senator GURNEY. Then, on March 13 you also——

Mr. DEAN. That was, I believe, on the 28th that came up, Senator.

Senator GURNEY. Twenty-eighth, all right.

Then one other meeting on March 13 you had another conversation with him that involved this Executive clemency business, isn't that correct?

Mr. DEAN. On March 13 we discussed both clemency and the fact that this was no money. The way the clemency discussion came up as you will recall is that at the end of another conversation I raised with him the fact that there were demands being made for money, for continued money, there was no money around to pay it. He asked me how, you know, how much it was going to cost. I gave him my best estimate, which I said was \$1 million or more. He, in turn, said to me, "Well, \$1 million is certainly no problem to raise," and turned to Mr. Halde- man and made a similar comment and then he came back after, just a brief discussion on that, and I remember very clearly the way he pushed his chair away from his desk as he was looking back at Mr. Haldeman to get, you know, the same message through to Mr. Halde- man, you know, that \$1 million is no problem.

Then he came back up, he rolled his chair back up toward the desk and said to me who is making the principal demands for this money at that point in time.

I said they were coming principally from Mr. Hunt through his attorney, and he turned to the discussion of the fact that he had talked with Mr. Ehrlichman and Mr. Colson about clemency for Mr. Hunt and he expressed annoyance at the fact that Mr. Colson had come to him contrary to an instruction that the President was aware of that Colson wasn't to raise this with him.

Senator GURNEY. So there were discussions——

Mr. DEAN. Then we went on to discuss the delivery, you know, how this money was delivered and I told him that it was laundered and told him I was learning about things that I had never known about before, and I recall very vividly how Mr. Haldeman thought this was very funny and started laughing.

Senator GURNEY. So there were really two main discussions on Watergate, the money, the coverup money that you have just discussed and also the Executive clemency, and Mr. Haldeman was present during these discussions?

Mr. DEAN. Well, Senator, not to take anything away from your interpretation but a lot of the discussion that occurred regarding the press conferences, the positions we were going to take on executive privilege, and the like, had direct implications on unraveling the Watergate.

Senator GURNEY. Well, I understand that. Indeed, I do, but I am talking about the criminal activities. Certainly press conferences, Executive clemency do not involve any criminal activity. I am just trying to pinpoint the criminal parts of it, and then, of course, there was the meeting on March 21.

Mr. DEAN. I might add that in, as I told you in one point in time when I went to discuss this with counsel, who is an experienced prosecutor, he said that oftentimes intervening events show intention and purpose. That is why I have tried to report everything I know to the committee as fully as I know.

Senator GURNEY. I understand that, and I as a committee member am extremely glad you did, because I do think it sheds a lot of light and it will help the deliberations of the committee when other witnesses come before it. I am not in any way deprecating the importance of all of the events that surrounded these transactions in Watergate, but I am trying to pinpoint the criminal parts of it.

And that really is the sum and substance of your direct knowledge, direct conversations with the President on the criminal activity?

Mr. DEAN. On the March 13 meeting.

Senator GURNEY. Well, I also said the March 21.

Mr. DEAN. That is correct. We have gone over the March 21 meeting.

Senator GURNEY. Yes; we don't need to go over it again. I am just pinpointing that time and that date.

Mr. DEAN. Then we jumped where the next in a series of meetings was in the April 15 period.

Senator GURNEY. Well, I realize that, but I am really not interested in that. I am not trying to cut you off here, but of course, the President himself later said that March 21 was the time when he first really



realized the full implications. So I was just bringing us down to that date.

Mr. DEAN. I would recall how that came up, that the President selected that date, was as the result of a discussion that had occurred on March 15—April 15, when he was searching his mind. I was being lead through a series of rather leading questions by the President and at one point in the conversation, he said to me, do you recall what day it was that you gave me the report on some of the implications of the Watergate case? Then before I even got an answer out that I didn't remember the exact date in March, he said, I believe it was the 21st.

I said, I will have to check.

It was the next day that, when I was in his office again that afternoon, talking about a press statement that he was going to put out, he said, I have gotten the confirmation now and I believe it was the 21st. And he referred to it at that time as my cancer on the Presidency statement. That is the way I led that off and that is the way I had referred to it and that is the way he referred to it.

Senator GURNEY. Thank you, Mr. Dean.

Thank you, Mr. Chairman. I have no further questions.

Senator ERVIN. Senator Inouye, if you will yield for just a moment, Mr. Dash said he wanted to make a statement concerning his understanding of the rule of evidence.

Mr. DASH. I think the question has come up from time to time and has been mentioned either by witnesses or by members of the committee as to admissibility of certain hearsay evidence. A memorandum of law has been submitted to all members of the committee. The leading case of the Supreme Court is *Krulewitch v. United States* and that case has been the position of the committee and the counsel working on the committee that even hearsay testimony, and most of the hearsay testimony admitted falls within this rule, is an exception to the hearsay rule.

The Supreme Court has ruled time and time again that where there is a conspiracy and there are overt acts—and I think at this stage of our hearings, there has been sufficient testimony which would go to a jury in a criminal case indicating that a conspiracy has occurred and that there have been overt acts—that therefore, the statements of a co-conspirator in the furtherance and in the course of the conspiracy, although hearsay, is an exception to the hearsay rule and is admitted in every court in this country.

Therefore, even Mr. McCord's testimony, which was initially hearsay, following up on the evidence of other witnesses which established the conspiracy and overt acts, that the Supreme Court has ruled in *Krulewitch* and other cases that that testimony is admissible and goes to a jury and is used against the defendants that may be charged as conspirators as any other testimony and is an exception to the hearsay rule.

Therefore, I think it should be made very clear and a memo has been given to every member of the committee that the hearsay evidence that has been admitted before this committee would be admissible in any court of law in this country under the *Krulewitch* decision, excepting conspiracy and co-conspirator's statements from the hearsay rule.

Senator GURNEY. What the chief counsel is saying, then, is that some people may be indicted on conspiracy, is that it, in addition to obstruction of justice and other things?

Mr. DASH. Oh, quite certainly, Senator. The evidence before this committee, and I understand the evidence being considered by the prosecutors, includes the doctrine of conspiracy with two or more persons engaged in the commission of a crime that is a conspiracy. I understand that even Mr. LaRue, who just recently pleaded guilty, and this was made public knowledge, pleaded guilty to a conspiracy count rather than any other count, and that conspiracy is a major crime in this inquiry and in the inquiry made by a special prosecutor.

Senator GURNEY. Did you say Mr. LaRue pleaded guilty to conspiracy?

Mr. DASH. Yes.

Senator GURNEY. I thought it was obstruction of justice?

Mr. DASH. No; conspiracy to obstruct justice, Senator.

Senator BAKER. Mr. Chairman, could I say a word on this subject?

Senator ERVIN. Sure.

Senator BAKER. I do not mean to be facetious and I do not mean this to be critical of Mr. Dash, who is a fine lawyer, and Senator Gurney, who is a fine lawyer and a fine Senator, but this committee is too far gone to start worrying about hearsay and we are too deep into the business of finding the facts to try to second-guess what a court will admit or will not admit. I have spent a lifetime being surprised on what a court would admit or would not admit, depending on my point of view. I think it was Oliver Wendell Holmes who said lawyers spend their professional careers shoveling smoke and I have no desire to shovel smoke.

So I really recommend, Mr. Chairman, and once again, this is not a criticism of the committee or counsel, I recommend that we not think of ourselves as a court or a jury or a judge, and that we try to follow the facts wherever they lead us with the full foreknowledge that what we do will have little, if any, effect on how the rules of evidence are applied if there is in fact litigation, either civil or criminal, based on these same facts.

So I think that rules of this committee are important and the rule against hearsay and its exceptions—and the hearsay rule is virtually emasculated by the hundreds of exceptions to it—but I think the rules themselves are far less important than us getting along with the business at hand. So I very much hope that we do not fall into the business of extensive objections, the argument of objections, and the arguments about rules of law that may apply. If we get too far out of bounds, I think we ought to qualify the quality of the evidence so that we can take that into account. But I do not think, and I hope we do not start admitting and excluding evidence.

Thank you, Mr. Chairman.

Senator ERVIN. I would just like to make the observation that Felix Frankfurter wrote a very interesting article at the time about the Teapot Dome and he laid great stress on the wisdom of the fact that congressional committees should not be bound by technical rules of evidence. I do think, however, that it was well for Mr. Dash to make his statement, because I have read several articles by commentators who

are not lawyers and who were criticizing the committee on the ground that it had received hearsay testimony. I am not concerned much about criticism, because I have been criticized very much over the years and I am sort of immune to it, but I think it is well for the general public to know that under the rules governing the admissibility of declarations of co-conspirators, the great bulk of the hearsay testimony that has been received in this case would have been admissible in a court of law for an indictment charging a conspiracy to obstruct justice.

I think the observations of my friend from Tennessee are correct, that we are not judges and we are not juries. We are members of a legislative body seeking to determine whether or not the facts before us indicate that new legislation may be necessary.

Senator BAKER. I might say, Mr. Chairman, that by explaining my point of view, I have fallen into the trap that the chairman just warned me against. He and I had a brief conversation a moment ago, and I am sure he will not think it a breach of confidence to repeat it. He said, Howard, he said, do not try to explain; your friends do not require it and your enemies will not believe it.

Senator ERVIN. I agree with you. I was not trying to explain, I was just trying to enlighten some of our commentators.

I would like to put in the record a legal memorandum which sustains the points made by Mr. Dash.

[The memorandum by Mr. Dash was marked exhibit No. 68.\*]

Mr. THOMPSON. Mr. Chairman, on that point, I do not want to belabor the matter. If I am in error, I want to be corrected for my misinformation, but I think what Mr. Dash has said is completely correct. I think there might be one additional consideration. It goes to the point of admissibility under any circumstance about what this witness thought another man was thinking at any particular time, his mind as to what some other individual was thinking or his impressions of thoughts, and I think that is a completely different matter. With that statement, I would like to subscribe to everything you and the co-chairman and Mr. Dash have said.

Senator ERVIN. I agree with you on that.

Mr. DEAN. I just want to—

Senator ERVIN. I am from near Watauga County in North Carolina, the county where Rufus Edmisten comes from. This man had been in court over in Boone, the county seat. He came back that night and was in the country store and he mentioned the fact that he had been over to the court in Boone, and somebody asked him what was going on there.

Well, he said, there was the judge sitting up there; there was the jury sitting over in the jury box, and there were the lawyers. He said, some of the lawyers were objecting and others were excepting and the costs were piling up.

Senator BAKER. You know, Mr. Chairman, if this is storytelling time, my distinguished chairman is going to have to suffer for having set the example for me. But in the course of all of our testimony, to the extent that we have conflicts in it, I am reminded of an old lawyer in Scott County, Tenn., named Haywood Pemberton, who was employed to defend a man.

\*See p. 1783.

He said, I have just shot a man, Haywood, will you defend me?

He said, of course I will defend you. Did you kill him?

He said, no, I have just wounded him.

He said, that is all right, but just remember, he will be an awful hard witness against you.

Senator ERVIN. I believe the witness wants to make some observations. Then we will go to Senator Inouye.

Mr. DEAN. I just wanted to say, Mr. Chairman, that as you know, I am here under compulsion of the committee and I have tried to withhold nothing from the committee at any time and I did not want these conversations to reflect that there has been any hesitancy on this witness to answer any question put to him and to answer it fully and honestly.

Senator ERVIN. Senator Inouye?

Senator INOUE. Mr. Chairman, I regret I have no Hawaiian stories to tell. [Applause.]

Senator INOUE. Mr. Chairman, in order to avoid confusion, I wish to advise the Chair that the questions I am about to ask Mr. Dean were not prepared by the Office of the Counsel of the President.

Mr. Dean, I will refer to testimony received yesterday. To the following statement, you made your response. This is the statement:

Mr. Dean, you have depicted all others in the White House as excessively pre-occupied with political intelligence, use of overt methods of security, and yourself as a restraining influence on these pre-occupations.

And, Mr. Dean, this was your response:

I do believe I was a restraining influence at the White House to many wild and crazy schemes. I have testified to some of them. Some of them I have not testified to. Many of the memorandums that came into my office became a joke; in fact, some of the things that were being suggested. I think if you talked to some of the other members of my staff or if your investigators would like to talk to them, they would tell you some of two things that we would automatically file, just like the political enemies project. Many of these just went right into the file and never anything further until extreme pressure was put on me to do something did I ever do anything. So I do feel I had some restraining influence. I did not have a disposition or like for this type of activity.

Mr. Dean, I would like now to refer to a memo dated August 16, 1971, and you have testified that this was prepared for Mr. Haldeman, Mr. Ehrlichman, and others at the White House. It is dated August 16, 1971. It is classified "Confidential." Subject: "Dealing With Our Political Enemies." I would like to read part of this:

This memorandum addresses the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly—how we can use the available federal machinery to screw our political enemies.

After reviewing this matter with a number of persons possessed of expertise in the field, I have concluded that we do not need an elaborate mechanism or game plan, rather we need a good project coordinator and full support for the project. In brief, the system would work as follows:

Key members of the staff (e.g., Colson, Dent, Flanigan, Buchanan) should be requested to inform us as to who they feel we should be giving a hard time.

The project coordinator should then determine what sorts of dealings these individuals have with the federal government and how we can best screw them (e.g., grants availability, federal contracts, litigation, prosecution, etc.).

The project coordinator then should have access to and the full support of the top officials of the agency or department in proceeding to deal with the individual.

This is a very important memorandum. Is this your idea of restraining influence?

Mr. DEAN. As I said, Senator, in the memorandum, first of all, as I answered that question yesterday, it took a good bit of push before I would prepare even a document like that. I had request after request after request to prepare this. I didn't know a thing about how to handle something like this, so I went and talked to other people about it. I think that is indicated in the memorandum itself.

I also made it very clear in the memorandum that this is something that I personally was not going to get involved in. Whoever that project coordinator was going to be, it was not going to be John Dean, because I just didn't want to get involved in doing the sort of things they wanted.

As I say, when the thing didn't float, they kept sending their political enemies suggestions back to me. I never did a thing to get a project coordinator. There was some rather loose talk about individuals who might handle this; I can't even recall their names now. I made no effort to find somebody to head this up and while there was a conception on behalf of some who kept sending these things in for my political enemies project, there was no political enemies project operating out of my office.

So I thought that while the memo had gone out and, you know, satisfied my superiors that something was being done, in fact, it was not being done. So I felt there was a restraint.

Senator INOUE. It is your testimony, then, that this memo described an activity which, in the minds of your supporters, was considered important.

Mr. DEAN. That is correct.

Senator INOUE. It was not a wild or crazy scheme?

Mr. DEAN. To me it was a wild and crazy scheme, because I felt I just didn't operate that way.

Senator INOUE. Was it considered wild or crazy scheme for Mr. Haldeman or Mr. Ehrlichman?

Mr. DEAN. No, sir.

Senator INOUE. In your testimony, you have submitted several exhibits with lists of names—politicos, Members of Congress, members of the media, and members of the entertainment field, et cetera, et cetera, taking this memo together with that list—

Mr. DEAN. I might add also, Senator, before we go forward, I didn't believe that list is complete in and of itself. It just happens to be a part that I received and had access to before my files were shut down. There may well be additional names and additional information available on that.

Senator INOUE. Mr. Dean, I believe one list would have been enough.

Mr. DEAN. Indeed it would.

Senator INOUE. And on one of your exhibits, you had a copy of a memo which suggested that certain things can be done, such as calling the Internal Revenue Service.

Now, in addition to that, you testified that in one of your meetings with President Nixon, you quoted the President as saying, "We will take care of them after the election," when the President referred to enemy newsmen.

Is that correct, sir?

Mr. DEAN. That is correct.

Senator INOUE. How was this memo implemented? Could you give us examples, concrete examples?

Mr. DEAN. The memo itself was never implemented. I never did have a political enemies project that was in any way operational.

Senator INOUE. However, we do have evidence here that, for example, a TV commentator with CBS was, in fact, audited by the Internal Revenue Service just for the purpose of harassment, isn't that correct?

Mr. DEAN. Well, I know Mr. Schorr had an FBI investigation.

Senator INOUE. Oh, it was an FBI?

Mr. DEAN. Yes, it was. I know there were other instances. These did not come from me.

Another instance, many times, members of the staff who were operating in the political area would want to see a tax return. My office was supposed to be the office to have the facility to receive from Internal Revenue tax returns. I never called at any time I can ever remember while I was there to the Director of the Internal Revenue Service requesting he send over a tax return on any individual to my office.

Senator INOUE. Have you ever seen tax returns?

Mr. DEAN. Have I other than my own?

Senator INOUE. Other than your own.

Mr. DEAN. Only in connection with clearing individuals who voluntarily submitted them in relationship to a nomination for a Presidential appointment.

Senator INOUE. In your memo, you speak of granting availability, Federal contracts, et cetera. I refer you to exhibit No. 53.\* It is a memo for you from Gordon Strachan and it relates to Mr. Chet Huntley. It says here, "John Whitaker has ordered the Department of Agriculture to quit dragging its heels on Big Sky."

Was this a political favor?

Mr. DEAN. What is the number of the exhibit, Senator?

Senator INOUE. I believe it is 53, sir.

Mr. DEAN. I recall the exhibit you are referring to, but it is not 53 in my sequence here. I believe that might be in 4, 5, 6, or 7.

Well, anyway, I can answer the question. I recall there is a notation on it.

There was at one point in time an effort, because of a comment—a rather hostile comment that Mr. Huntley had made regarding the President—there was an effort that I initially was unaware of to make it as difficult as possible for him to get his Big Sky project moving. Apparently, he needed assistance from the Department of the Interior. I would receive periodic calls asking me what is happening on that, and the like. I would, in turn, call John Whitaker, who is the person on the Domestic Council staff who had dealings with the Department of Interior.

At one point in time, apparently, there was a change in heart on Chet Huntley and there was a turnaround, and Interior was given the signal that they should sign off on whatever it was he needed to get his Big Sky project accomplished.

Now, I would have to review the document that you are referring to, and that may well answer your question.

\*See p. 1701.

Senator INOUE. I believe this line of questioning is very important, because your exhibits have listed, I would say, a couple of hundred names of very distinguished Americans, most of them, and other exhibits have suggested that extra-legal activities had been carried out in connection with these names.

Now, there are Members of the Senate and Members of the House whose names have appeared, but to date, you have been able to tell us of the possibility of a man from CBS, and Chet Huntley.

Are there any other concrete examples? I am asking you this because Mr. Colson has gone on the air suggesting that the lists you submitted were a social list, that this was a list used by the White House so that they would not invite the names listed there for the White House dinners.

Mr. DEAN. I think you will note in there at some point—first of all, that Mr. Colson, there is a memorandum to him in one of the exhibits where he was to cull out the 20 worst enemies and submit them. This was again because I was receiving through Mr. Higby and Mr. Strachan a direct request from Mr. Haldeman that he wanted to nail this down as to the 20, or the minimum number that we could do something with.

So, we went through this big thing of taking all the lists Mr. Colson had, and Mr. Colson went through and checked off through his lists what he thought were his candidates. He was the only one that I knew that dealt in these areas. I certainly—none of these people were my enemies. In fact, most of these names were unfamiliar to me.

As a result of that, I sent a memorandum to Mr. Higby indicating, here are the lists, don't let it go over 20, and this was sent to Mr. Higby for Mr. Haldeman's final review. It was sent back to me and went back in the file again.

Senator INOUE. Did you know if anything ever happened to these 20 on the top—hit parade?

Mr. DEAN. I cannot answer that, because I think it was realized that my office had less than enthusiasm for dealing with things like this.

Senator INOUE. Are you suggesting that this listing of names was just an exercise?

Mr. DEAN. As far as I was concerned, it was an exercise that I had no intention to implement; that is correct, Senator.

Senator INOUE. Are you aware of any person or any agency or any official using these lists to do harm or injury or to assist?

Mr. DEAN. They were principally used by Mr. Colson and Mr. Haldeman and I don't know what they did with them. I know on one occasion, I had a call regarding the fact that some of the President's friends—and these are in exhibits and I just think it would be inappropriate right now to mention the individuals' names—were having tax problems, and I was to look into those. I had Mr. Caulfield, who had—who was the person on my staff, who was the only one I knew—who had a relationship with the Internal Revenue Service—because I could only deal with the Director.

I did deal with one of his assistants from time to time on sensitive cases, where they were just brought to our attention if somebody in the administration was having a normal audit, just to alert the White House to the fact that such an audit was occurring.

At any rate, as I was saying, I was told that I was to do something about these audits that were being performed on two friends of the President's. They felt they that they were being harassed and the like.

There is a third instance there this occurred also. Now, on the—finally, when I got around to checking on it, Mr. Caulfield sent me some information which I think is evidenced in the exhibit and a note went to Mr. Higby. Mr. Higby sent it in to Mr. Haldeman, and Mr. Haldeman wrote a note on the bottom, "This has already been taken care of." So obviously, things were happening that I had no idea on.

Now, I would again like to defer from using names in this instance, but there was a request of an audit that was commencing on somebody who was close to the President and several people got involved in this. They said, John, you have got to do something about this, because the President is just going to hit the roof when he finds out about it.

Well, I went to the Justice Department because it had already gone from Internal Revenue to the Criminal Division of the Justice Department. I spoke with Mr. Erickson about it. He said, this man is just up to his teeth in the problem.

I reported back to the people who were asking me. I said, just do not touch this, there is just no way; this man is in trouble and he has got to be told he is in trouble.

So that was the way I handled these situations, and I thought that was the proper way the counsel's office should handle them.

Senator INOUE. Do you know from your own personal knowledge, Mr. Dean, if any Member of the U.S. Congress was ever subjected to an Internal Revenue Service audit or surveillance by the FBI?

Mr. DEAN. The only—I do not know from my own knowledge of any audits being commenced on any Member of the U.S. Congress. I do know that there was extensive surveillance on Senator Kennedy, which I have testified to.

Senator INOUE. Was this for political purposes?

Mr. DEAN. Yes, sir, it was.

Senator INOUE. Who else?

Mr. DEAN. Senator Kennedy was the principal one. I would say the greatest amount of surveillance was conducted on Senator Kennedy, and subsequently, politically embarrassing information was sought on—

Senator INOUE. Was the FBI aware that this surveillance was for political purposes?

Mr. DEAN. The FBI did not perform this. This was performed directly by the White House. Now, whether any information was requested from the FBI, I do not know on this.

Senator INOUE. Are you aware of any member of the press being subjected to a special audit or surveillance by the FBI?

Mr. DEAN. I am aware of one member of the press being subjected to an audit, and this was an audit that was initiated as a result of an adverse story he had written regarding a friend of the President.

Senator INOUE. Who is this person?

Mr. DEAN. I would have to check my records on this, which are unavailable to me still, as I have said. I do recall it was a reporter from Newsday, who had worked on a story on Mr. Rebozo.



Senator INOUE. Thank you. Who do you think could assist this committee in testifying as to whether these lists were ever used for purposes described in your memo?

Mr. DEAN. Well, I would say that the man who is most knowledgeable is the man who has described them as socialists, so I do not know if you will find out what was done there.

Also, it is possible that Mr. Caulfield may be able to provide some assistance to the committee in this regard, and I feel Mr. Caulfield would be very honest and forthcoming with the committee.

Senator INOUE. Then, your testimony is that with the exception of this columnist and this television commentator and Mr. Chet Huntley and Senator Kennedy, you are not aware of how these lists were ever used?

Mr. DEAN. No, sir. I am also aware, and I would have to again be able to look through my files on this, there were a number of requests from various members of the White House staff to see if tax exemptions and alteration of the tax status could be removed from various charitable foundations and the like, that were producing material that was felt hostile to the administration or their leaders were taking positions that were hostile to the administration, and on occasions I checked this out, and their activities were deemed to be perfectly proper within the provisions of the Internal Revenue Code, and nothing was done on these.

Senator INOUE. These files are presently available in the White House?

Mr. DEAN. Yes, I believe they would be in my files in the White House.

Senator INOUE. Mr. Chairman, may I request that these files be made available, sir?

Senator ERVIN. Mr. Dash will communicate—

Mr. DEAN. I will have to at some point, there have been a number of requests for material, that I would hope that the committee would put the White House on notice or they may well not be there when I get there.

Senator ERVIN. In this connection, you have testified the other day that when you went to the White House to see some of your files that you were required to write them out, as I understand, in longhand, and somebody would not allow you to make copies like Xerox?

Mr. DEAN. That is correct. Presently, I am not allowed to Xerox any copies of anything, and I would hope, particularly with the request of Senator Gurney for my financial records, that I not have to sit and copy all my own financial records.

Senator ERVIN. I believe you also stated you had to stand up and copy it?

Mr. DEAN. I was able to sit in a chair and write on a safe that was several feet above the chair.

Senator ERVIN. Did you make a request of anybody for the opportunity to have these copied on a Xerox?

Mr. DEAN. Yes, I did and my counsel did, and I wrote a letter to the President requesting it, and I was denied.

Senator ERVIN. Do you have a copy of the letter to the President?

Mr. DEAN. My counsel can supply the letter that was written; yes, sir.

Senator ERVIN. Who originally denied you the right to copy them?

Mr. DEAN. Well, when I was—my resignation was requested on the 30th, I recalled a call from my secretary who said “What do I do? They are in here putting bands around all your safes and all your material.” And I said, “Just let them band it all.” And subsequently, they transferred it all down to the basement of the Executive Office Building.

Senator ERVIN. Did you talk to any individuals up there about having the right of access to them and the right to have your files copied by Xerox or otherwise?

Mr. DEAN. Yes, sir. I had my counsel send a letter, and I sat down and talked with Mr. Buzhardt, and Mr. Buzhardt just said, “I am sorry, I cannot do anything for you about it.”

Senator ERVIN. Is he not the White House counsel now?

Mr. DEAN. He is a special counsel on the Watergate.

Senator ERVIN. Special counsel on Watergate, and Mr. Buzhardt refused to allow you, or at least, he declined your request?

Mr. DEAN. To permit me to copy; yes, sir. In fact, they were permitting me earlier to make some copies. My chronofiles which I would like to have just for future use, and my secretary was stopped from making any copies.

Senator ERVIN. Unless there is some objection from some member of the committee, I will direct the staff of the committee to communicate with the White House and ask the White House to give Mr. Dean access to his files and also the privilege of copying them by Xerox or other means.

Mr. DEAN. I think that a number of the questions that Senator Montoya asked about executive privilege could also be answered if I had access to some of my files on executive privilege. I might add also that my office files were not only contained in my own personal files, but they are contained in other members of my staff who I do not believe their files have been bound, and I would hope to have the opportunity to check things that I knew they were working on for me that relate to many of these items.

Senator ERVIN. And without objection on the part of the committee, I would request your counsel to supply the committee a copy of the letter to the President asking for access to these files.

Mr. SHAFFER. We will do that, Mr. Chairman.

Senator ERVIN. Thank you very much.

Senator INOUE. Mr. Dean, you have just indicated that one of our colleagues, the senior Senator from Massachusetts, was placed under surveillance. Was this electronic?

Mr. DEAN. Not to my knowledge. It was initially——

Senator INOUE. Any break-ins, burglaries?

Mr. DEAN. Not to my knowledge.

Senator INOUE. Were members of his staff also subjected to this?

Mr. DEAN. I do not know. I think there was some effort to make contact or do some examination of some of the women who were also present during the Chappaquiddick incident, and there may have been some investigations made of them also. I do not have all the details on this, and I am afraid that others, Mr. Caulfield and Mr. Ulasewicz, can tell you most about that. I do not know if Mr. Hunt is going to appear,

but apparently he did an investigation for Mr. Colson of Mr. Kennedy, Senator Kennedy, also.

Senator INOUE. On February 10 and 11, important meetings were held in La Costa?

Mr. DEAN. February 10 and 11, correct.

Senator INOUE. February 10 and 11, which have extra significance to this committee because from your testimony, I recall that on top of the agenda was the discussion of the makeup of this panel.

Mr. DEAN. That is correct. I believe the Senator recalls my comment on that.

Senator INOUE. Did the meetings go beyond just the discussion of the background of panel members; did it go into how to influence, how to intimidate, threaten?

Mr. DEAN. Not at that point, sir, and I do not recall that. It was more just an assessment of who. I think the White House was looking for friends on the committee then, you know, so they might find out what the committee was going to do, was the initial concern.

Senator INOUE. I refer to an article which appeared in the Charlotte Observer, dated May 17, 1973, and it reads as follows: "High officials in the North Carolina Republican Party confirmed Wednesday that H. R. (Bob) Haldeman, at the time President Nixon's chief of staff, made two attempts to get local party officials to 'dig up something to discredit Ervin and blast him with it.' According to the sources, Haldeman placed two phone calls to former White House aide Harry Dent and asked Dent to relay the suggestion to State Republican Chairman Frank Rouse."

Who is Harry Dent?

Mr. DEAN. Mr. Dent is a former special counsel to the President. His principal area of activity was in the political area with regard to Southern States. I believe he is from the chairman's State. He has departed from the White House staff and is in the private practice of law. He was on the White House staff for a number of years. I believe he was in the 1969 campaign, and he operates his law practice in both North Carolina and Washington, D.C.

Senator INOUE. Was this type of activity part of the job description?

Mr. DEAN. Part of his job description? I believe the activity that is referred to occurred after Mr. Dent had departed from the White House staff.

Senator INOUE. Are you aware if this activity did, in fact, occur?

Mr. DEAN. No, sir. I have no firsthand knowledge of that, the only recollection I have of any effort to get any information on the chairman came to me when I had, after returning from Florida—from the La Costa meetings I went, as I recall, on the 12th to Florida and spent a week down there. When I returned back, I wanted to reconfirm with Mr. Baroody the attack group which is a group of media-oriented people who had formerly operated under Mr. Colson would no longer—would stay out of the Watergate area, that they would not have this on their morning agenda, and it was also in connection with this meeting that the President was asking that a speech be prepared to counter-offensive the general thrust of these hearings by laying out the number of demonstrations he had been subject to and the fact these had been paid for by Democrats and the like.

I can recall Mr. Baroody and I also discussing other areas of counter-offensive and the like. It was that time that he told me, either that night or the next night, that he was meeting with some people from North Carolina and they thought they may have some interesting information on the Senator.

Senator INOUE. Were any other members of this committee subjected to special treatment? One member has suggested that he has been subjected to special treatment. Were other members subjected to special treatment?

Mr. DEAN. Not to my knowledge. I was not involved in that particular activity; no sir.

Senator INOUE. Did you ever discuss special treatment?

Mr. DEAN. It very well could have come up at La Costa as to—

Senator INOUE. I am testing your power of recollection.

Mr. DEAN. Yes, sir.

Senator INOUE. It happened just recently; what can you recall, sir?

Mr. DEAN. With regard to other members of the committee?

Senator INOUE. Yes, sir; because I can't imagine meeting for 12 hours and just deciding that Senator so and so is an attorney, he practiced for 10 years, he was born in 1934.

Mr. DEAN. No, sir; that was a very brief part of the meeting in the early morning on the first day in which there was a great disappointment at the fact that the White House had not had more influence on deciding who would be a member of the committee from the Republican side certainly, and I would hope, and I would assume if they could have had any influence on the totality of the appointment of the committee, they would have been very happy but they had at least hoped to have an influence on the appointment and selection of the minority members. I think that is very clearly reflected in this document that I have submitted to the committee from Mr. Haldeman.

Senator INOUE. Did you discuss the possibility of digging up dirt on anyone of the members here?

Mr. DEAN. We hadn't gotten around to that at that point, Senator. I said we had not gotten to that point yet.

Senator INOUE. When did you get to that point, sir?

Mr. DEAN. I am trying to recall specifically, I think it was just to familiarize—when I was reading from the Congressional Directory, a number of the members of the committee were men I did not know. I had prior dealings with the chairman, I had had prior dealings with Senator Gurney, I had had prior dealings with Senator Weicker. They were the only members of the committee I knew. Mr. Timmons had given his assessment to Mr. Haldeman and this was just a general session at this point as to the composition of the committee, the general philosophy and make-up of the committee.

Senator INOUE. You just stated that at a later time you came to the digging up dirt. When did you get to the digging up dirt stage?

Mr. DEAN. That must have been, I can only recall an allusion to the fact that this would be, you know, looking into at some point in time but it really was not the focus of any discussion I can recall.

Senator INOUE. Who suggested this, sir?

Mr. DEAN. The only comment I can recall making myself is, and I had made a similar comment with regard to the Patman committee

hearing, and you will recall that I requested, after a discussion with Mr. Haldeman, that we check the financial or the campaign filing requirements of the members of the Patman committee. I did receive a document, I have submitted that document. To this day I have not read that document and I can't tell you what it says. I didn't have any interest in that. I had also been suggesting, I had had a suggestion, for Mr. Haldeman to call Governor Connally, to ask him about Mr. Patman and he said, "I think Mr. Patman might have one soft spot," but he also indicated some Republicans might have similar soft spots, and when Mr. Timmons and I discussed this we realized this might create more problems than it would solve.

Now, coming back to this committee, I can recall a comment when this discussion came up that it would be very difficult for some members, possibly some of the members of this committee, to throw stones when they were living in a glass house, and that is the comment I recall making.

Senator INOUE. Returning to the President's statement which you quoted, "That we will take care of them after the election," did the President ever tell you what he meant by that?

Mr. DEAN. To me, the way the conversation was evolving, and it moved right from there to the Internal Revenue Service, and there may have preceded that—because I am taking such care in any reference that I make to any conversations I recall with the President—to something about the Internal Revenue Service that led into the fact that I should keep a good list and then he went on to talk, I do recall him very clearly telling me to make a good list of those who are giving us problems, that we will take care of them after the election. We will make life less than pleasant for them, and it moved, the conversation moved, directly from there to a discussion of the Internal Revenue Service, and I told him how, I was really telling him the fact that I could not call Mr. Walters and tell Mr. Walters to get an audit started.

And the President was rather annoyed at this and I told him the reason why when he asked me and I said, well, because the bureaucracy of the Internal Revenue Service is primarily Democratic and something like this cannot be done.

Senator INOUE. Did you ever call Mr. Walters to attempt to provide special treatment for anyone?

Mr. DEAN. To provide special treatment?

Senator INOUE. Yes or to—

Mr. DEAN. No. I called him and asked him a number of questions on occasions on tax cases, yes, but I don't recall ever asking him for special treatment and, to the contrary, Mr. Walters is the type of man that he and I discussed on a number of occasions the extreme danger of the White House doing anything that would politicize the Internal Revenue Service and he felt very strongly about that and the like.

Now, I got criticisms—

Senator INOUE. Mr. Walters was not the man to see, who was your contact man in the Internal Revenue Service?

Mr. DEAN. Mr. Caulfield had a contact man and he will have to tell you who that is because I do not know.

Senator INOUE. I thank you very much, Mr. Dean.

Mr. DEAN. Thank you, Senator.

Senator ERVIN. I sort of regret that anything was brought out about the alleged attempt, the request, of Bob Haldeman about me, but I am glad it happened because President Nixon's campaign manager in 1968 and again in 1972 Charles R. Jonas, Jr., made this statement, and I cannot refrain from reading it because I am very grateful to him for it. He said, "Charles R. Jonas, Jr., who headed Nixon's re-election campaign in North Carolina, and has recently said he might run for Ervin's Senate seat, said he had not been contacted by anyone to discredit Ervin. 'That would be an impossible task and almost foolish to attempt,' Jonas said when reached by phone. 'I think that Senator Ervin is one of the handful of people in the Senate whom it would be impossible to discredit. I think that is why he was chosen. He has a record of impeccable honesty and integrity. If I had to depend on any one person in the Senate to proceed fairly and in a way that would protect the innocent, it would be Senator Ervin.'"

I am deeply grateful for that compliment. [Applause.]

And furthermore [laughter] when I was asked about this I said it did not disturb me at all and I deeply regretted to say that all the indiscretions I had committed were barred by the statute of limitations and lapse of time. [Laughter.] And that I had lost my capacity to commit further indiscretions. [Applause and laughter.]

Senator INOUE. You are not that old.

Senator ERVIN. This article states that Secretary Butz went down to North Carolina and made some uncomplimentary remarks about me in connection with this investigation, saying I should call it off, as if it is my investigation rather than the Senate's. And I was called and asked if I had any comments on Secretary Butz' statement and I said, "only one, and that was if the Secretary would come down before the committee and testify on his oath and on his personal knowledge that the Watergate affair had never happened, I would be the happiest man in the United States."

The committee will stand in recess until 2 o'clock.

[Whereupon, at 11:55 a.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

#### AFTERNOON SESSION, FRIDAY, JUNE 29, 1973

Senator ERVIN. The committee will come to order.

Mr. Dean, was George Wallace of Alabama, on the list of enemies?

Mr. DEAN. Senator, I never really have gone through the list of enemies so I cannot name that. The only thing I know about Mr. Wallace in that relationship at all is that, the fact that, I understand that during Mr. Wallace's—Governor Wallace's—last gubernatorial campaign, that a substantial amount of money was provided by Mr. Kalmbach, somewhere between \$200,000 and \$400,000, to Mr. Wallace's opponent.

Senator ERVIN. That was provided in the last Governor's race in Alabama?

Mr. DEAN. That is correct.

Senator ERVIN. Yes. Between \$200,000 and \$400,000?

Mr. DEAN. 200.

Senator ERVIN. 200,000.

Mr. DEAN. And \$400,000, yes. I do not know the precise figure.

Senator ERVIN. Yes. I have no further questions. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

Do I understand that you know that of your own knowledge, Mr. Dean?

Mr. DEAN. That was told me by Mr. Kalmbach, who apparently made the arrangements.

Senator BAKER. Thank you very much.

Mr. Dean, this is your fifth day on the stand, and it is, I hope, the last session for this committee and for you and, therefore, I intend to abbreviate my questions, although following the same technique I did yesterday. Let me tell you in advance the two questions I want to ask which will require multiple answers, and try to suggest a format for the purposes of abbreviation. Obviously, if you have an elaboration that you wish to make on any of these points you are free to do so. But if you could answer them first and then elaborate, it would help us along.

My primary thesis is still what did the President know, and when did he know it?

Oh, yes, I asked you to respond and you did respond, in terms of the quality of your knowledge, that is to say, whether it was direct first-hand information, whether it was circumstantial or whether it was second-hand or hearsay information.

Mr. DEAN. And I also believe I added documentary.

Senator BAKER. Documentary evidence, that is correct. What I would like to do today is to limit that inquiry to the remaining meetings that we did not cover and to direct information only. This is not to imply that I am not interested in the other but I hope to contain this to about 20 minutes, and if you could tell me in seriatim what you know first-hand of your own knowledge of the President's knowledge, and the date of that knowledge, beginning where we left off yesterday in February and working your way through the ending of your employment at the White House, I would be grateful.

Now, the second question I am going to put to you after we finish that is one that really is, I am afraid, cumbersome and awkward. But you are a lawyer and I am a lawyer and we both understand the necessity for this. Rather than me asking you detailed and probing questions on particular areas of conflict in your testimony and those of other witnesses who have testified or witnesses we may have hereafter about which you have personal knowledge, would you identify for me important elements of controversy that you know or suspect to exist. This is once again for the sake of organizing your rather voluminous testimony so that we have some idea of how to test it against the testimony of other witnesses. If you think either of those questions unfair I will try to revise them. If you are agreeable to trying to proceed in that manner I would appreciate it if you began first with your first-hand knowledge of Presidential involvement in February where we concluded our interrogation yesterday.

Mr. DEAN. I believe that we stopped yesterday with the meeting on the 28th at which time I was told, I mentioned to you the fact that I had told the President that I also thought he ought to know of my involvement in the matter, and then I will have to move along.

Now, again, it is hard for me to separate in a sense what is defined as involvement because there was an evolving pattern that came out of the La Costa meetings when I began having my direct dealings with the President, and many of these things related directly to that.

Senator BAKER. But even though the pattern of activity—

Mr. DEAN. I understand.

Senator BAKER [continuing]. And the circumstances involved are important for the purpose of this abbreviated interrogation, would you please tell me what you told the President, the President told you, was said by the President in your presence or was said by you to the President. I guess that third one is unnecessary, but would you please do that, limiting it only to direct first-hand information for the purpose of this interrogation?

Mr. DEAN. Well, I think we ought to go to the next, as I say, the testimony—

Senator BAKER. Yes, sir.

Mr. DEAN [continuing]. Speaks for itself on a number of these matters I just referred to and we ought to move then to the meeting on March 13 at which the, toward the conclusion of that meeting.

Senator BAKER. All right, would you stop just a moment, Mr. Dean.

Mr. DEAN. Yes.

Senator BAKER. Mr. Chairman, there is a vote in progress and I would like very much to finish this line of inquiry, and I would hope that the Chair would permit me to continue and, if the rest of the committee will go vote, I will continue with this interrogation.

Senator ERVIN. Fine.

Mr. DEAN. During the conclusion of the meeting on the 13th, the question of money and how to pay this support silence money came up, and I explained to the President—I was telling the President of the problem.

Senator BAKER. Where were you?

Mr. DEAN. I was in the President's office.

Senator BAKER. In the oval office?

Mr. DEAN. In the oval office.

Senator BAKER. Who else was present?

Mr. DEAN. Mr. Haldeman was present.

Senator BAKER. Anyone else?

Mr. DEAN. That is all.

Senator BAKER. All right, go ahead, sir.

Mr. DEAN. I was telling the President—I don't believe Mr. Haldeman was present during the entire meeting to the best of my recollection but he came into the meeting at some point, at the point he came in it was on an unrelated matter, the meeting was interrupted to resolve his particular problem and he stayed in while I was finishing my discussion of this because it had come up shortly before he came in, and he sat and listened for just a moment while we were talking and then he took care of his business with the President and then stayed because it was quite obviously toward the end of my meeting with the President.

Senator BAKER. It might be useful to know how the meeting was arranged at your request, at the President's request, or through Mr. Haldeman, or how?



Mr. DEAN. The meeting was arranged per the request of the President.

Senator BAKER. All right. Would you continue please.

Mr. DEAN. As I have testified the question of—I got into the discussion of the fact because I had had countless cross pressures and the like as to who was going to raise this money that was being demanded, and Mr. Haldeman and Mr. Ehrlichman were unwilling to do it, Mr. Mitchell was unwilling to do it.

Senator BAKER. Are these the things you were saying to the President?

Mr. DEAN. I will get to that. I am prefacing what the circumstance was that resulted this coming up with the meeting with the President.

Senator BAKER. I don't mean to hamper you, but would it be possible to tell me of the conversation first and then to explain the background?

Mr. DEAN. All right. I told the President at some point that, toward the end of the conversation of the meeting, that the individuals who had either been convicted or pleaded guilty were continuing to make their demands on the White House and that it would be some time in the not too distant future that these individuals would be up for sentencing, and the demands were at this point again growing toward a crescendo point.

The President asked me, "Well, how much are they demanding and how much is it going to cost?" And I said, "Well, to the best of my estimation it will cost a million dollars or more to continue the payments." At that point, the President, I can recall this very vividly, leaned back in his chair and he sort of slid his chair back from the desk and he said to me that a million dollars was no problem at all. In fact, I have a very clear visual picture even of the President, of the fact that he had his hands somewhat in a position like this when he repeated it, when he looked over at Mr. Haldeman and said, "A million dollars is no problem to raise."

Senator BAKER. I take it from that that Mr. Haldeman was present during this portion of the conversation?

Mr. DEAN. Yes, he was. Yes, he was.

Senator BAKER. Go ahead, sir.

Mr. DEAN. It was then he asked me who was putting the pressure on for this, and I said it was principally coming through his attorney and at that point the President raised the fact that Mr. Hunt, or he had had discussions with Mr. Haldeman—I mean with Mr. Ehrlichman and Mr. Colson regarding clemency for Mr. Hunt.

Senator BAKER. I am sorry, my mind wandered.

At that time he, the President, said that he had had conversations?

Mr. DEAN. That is correct. And he also went on to tell me that, with some expressions of annoyance that, Mr. Colson had been told not to raise this with him, and he also said that Colson had raised it with him though, contrary to an instruction that he had received from Mr. Ehrlichman.

Senator BAKER. Was Mr. Haldeman present during this portion of the conversation?

Mr. DEAN. Yes, he was.

Senator BAKER. Go ahead, sir.

Mr. DEAN. From there, he then asked me, he said, "How is this money handled?" and I said, "Well, I don't know all the details but I know there is a laundering process so the money cannot be traced to any source."

And I explained what I knew about the laundering process, and I said, "I am learning about things I never knew about and the next time I will know better how to handle these matters," and I do remember very vividly at this point Mr. Haldeman commenced with a rather good belly laugh. He thought this was quite funny, and that was that, the meeting really ended on that note. There was no further discussion on that point.

Senator BAKER. Thank you, sir.

Would you move on to the next occasion.

Let me, while you are looking—

Mr. DEAN. I just don't want to miss any of the points I have in here. I am very clear in my mind on the principal ones but I want to make sure there is no minor point that I miss also.

Senator BAKER. All right. I fully understand that. I am asking you to hurry through this, and you should fully understand, Mr. Dean, if there are other points in your testimony that bear directly on this question, the fact that you don't identify them now does not mean that you do not stand on your statement as previously made. I am simply trying to organize it for the committee's purposes.

Mr. DEAN. I understand.

Senator BAKER. While you are looking let me ask you this: It seems Mr. Haldeman was present during that meeting most of the time. Was there any significant conversation between you and the President before Mr. Haldeman came in?

Mr. DEAN. As I say, this conversation had commenced before Mr. Haldeman came in. It was interrupted and I went back—Mr. Haldeman sat down while I was telling the President about this and then stayed on during the remainder of the conversation.

Senator BAKER. Do you remember at what point he came in, what point in your conversation?

Mr. DEAN. I don't think I had gone much further than telling the President that there were problems in raising money.

Senator BAKER. So it is fair to say, I assume, that Mr. Haldeman was there for virtually all of the conversation?

Mr. DEAN. Yes, I think that is correct.

Senator BAKER. All right, sir, proceed if you will.

Mr. DEAN. At least, you know, 90 percent of the conversation, I would say.

Senator BAKER. Thank you.

Mr. DEAN. The next occasion that I raised the matter with the President myself was when he called me on the evening of the 20th, I had gone home, I was at home, as I recall, it must have been about, I don't know, 7:30, 7:15, sometime in that period of time, he called me and I went down to my living room to take the call.

Senator BAKER. This was on March 20?

Mr. DEAN. That is correct. March 20. We were having a rather rambling conversation. I at this point, because of events that had proceeded over the last couple of days, told the President I would like

to meet with him the next morning to discuss the implications of the Watergate case that I thought I ought to bring to his attention as they affected the White House staff and himself. And he said, well, why don't you try to meet with me about 10 o'clock the next morning. Then we'll go to the meeting at 10 o'clock. That was on the 21st.

As I told you, after the conversation with the President, and on the evening, the preceding evening, and the next morning I thought, both on my way to work in the morning and when I entered the office in the morning, how I could most dramatically present the situation which I thought had to end that very day—it could not proceed another hour as far as I was concerned—in a way that would be very meaningful to the President and based on my thought and my—some discussion I had had with Mr. Moore the preceding day, I decided I would tell the President that there was a cancer growing on the Presidency and something had to be done about the cancer because it was growing daily and if there were not immediate surgery, it was going to kill the President himself.

So I started with lines to that effect.

Senator BAKER. Where did you meet with the President?

Mr. DEAN. This was in the Oval Office.

Senator BAKER. And who was present?

Mr. DEAN. No one other than the President and myself.

Senator BAKER. And it was at 10 o'clock in the morning.

Mr. DEAN. That is correct, approximately 10 o'clock, as best I can recall.

Senator BAKER. Would you proceed with as much exactitude as you can.

Mr. DEAN. I then told the President that what I would like to do is give him a broad overview and let him come back and ask any questions he might like to ask. I wanted to explain to him how the continued support would be necessary, how continued perjury would be necessary to perpetuate the coverup.

Senator BAKER. Did you use those terms?

Mr. DEAN. Yes, I did use those terms.

Senator BAKER. All right, sir, go ahead.

Mr. DEAN. That was my definition to him of how the cancer was growing; in other words, that more people would have to perjure themselves—

Senator BAKER. Did you say these things as an advocate—that is, that other support and perjury should continue—or as examples as to why it should not continue?

Mr. DEAN. As to why it should not continue.

Senator BAKER. Did you make this clear to the President?

Mr. DEAN. Absolutely.

Senator BAKER. In what terms?

Mr. DEAN. As I say, I tried to make it as dramatic as the fact that this type of cancer was going to kill him and kill the Presidency if this type of thing was not stopped by surgery and ending that type of activity.

Senator BAKER. Go ahead, sir. Before you do, what was the President's reaction to that?

Mr. DEAN. The President, if I recall—and I was not looking for reactions at that point as much as trying to be as forceful and dramatic in my presentation—it is like asking me what was my reaction to the answer to any member of this panel to a particular question. In my now sitting here and answering these questions, I really haven't watched for the reactions of the Senators and the like. I think you can understand that circumstance.

Senator BAKER. I understand. It is fair to say, then, that you do not recall the reaction?

Mr. DEAN. I do not recall the reaction, no.

Senator BAKER. Go ahead, if you would.

Mr. DEAN. I then proceeded to give the President the broad overview of what I knew of the entire situation—where it started.

Senator BAKER. You might take us through that, if you will. Tell us as close as you can what you told him.

Mr. DEAN. Well, as I recall, I told him about the meetings that had occurred in Mr. Mitchell's office; that the fact that I had come back from Mr. Mitchell's office—

Senator BAKER. Is this the first time you told him of the meetings in Mitchell's office?

Mr. DEAN. It is.

Senator BAKER. Go ahead, sir.

Mr. DEAN. That I had come back to Mr. Haldeman and told him of the circumstances of those meetings, what had been presented.

Senator BAKER. Just for clarity, these were the meetings at which the plan for bugging and—

Mr. DEAN. Mugging—

Senator BAKER [continuing]. And illegal entry were discussed in Attorney General John Mitchell's office?

Mr. DEAN. That is right. There were two meetings, the second meeting at which I don't know the full extent of the discussion there, but I know that, you know, what I did here was—

Senator BAKER. All right, but you began telling the President of those meetings, and would you continue from that point?

Mr. DEAN. When I was telling him the broad overview, I did not get into an awful lot of specifics, because I told him, I said any point that you want to either question me or if we can come back and have, I will answer any of your questions subsequently. Then I told him of the fact that I had reported this to Mr. Haldeman, that I had been distressed by the situation myself, had told Mr. Haldeman what I had seen and advised Mr. Haldeman that I didn't think anybody in the White House should have any involvement at all in this, and that I told him I was not going to have any involvement in it, and Mr. Haldeman had agreed that I should not have any involvement in it.

Senator BAKER. Did you tell the President when that conversation with Mr. Haldeman took place?

Mr. DEAN. Yes, I did. I told him it occurred shortly after the meeting in Mr. Mitchell's office, after the second meeting in February.

Senator BAKER. All right, sir; go ahead.

Mr. DEAN. I also recall that I told him I did not know how the plans had been finally approved; I didn't know what precisely had happened as to the final decision to sign off on some phase of the plan.

Senator BAKER. Did you say that on your own initiative, or did he put a question to you to that effect?

Mr. DEAN. No, at the outset, I was doing most of the talking and giving him my general presentation of this matter. I can't recall when I basically presented it to him. As to interruptions by him, it was toward the end that he began asking me questions that are now not very clear to me as to the questions he did ask.

Senator BAKER. If you would, Mr. Dean, work your way through the conversation and then particularly try to recall what the President may have asked you.

Mr. DEAN. I told the President that I had learned that there had been pressure from Mr. Colson's office on Mr. Magruder, that I was aware of that degree of pressure from the White House, but I didn't have all the details on that at even that time.

In fact, I might want to add this in testimony at this point, because as I recall, I may have mentioned this to the President; I am not certain. I recall one occasion, on walking from the White House Executive Office Building to the Re-Election Committee to one of the meetings in Mr. Mitchell's office, I met Mr. Magruder as I was walking over there. He was returning to the Re-Election Committee. We were standing at the stop light at the corner of 17th and Pennsylvania Avenue across the street from the Executive Office Building. At that very moment—and I recall very vividly Mr. Magruder telling me that because of the pressure from Mr. Colson—they were afraid that Mr. Colson would take this operation over, and they were concerned about his taking it over. That had been one of Magruder's expressions of concern as to why the matter had gone forward.

Senator BAKER. Do I understand you to say—

Mr. DEAN. I don't recall getting into that detail with the President, but I don't believe I had testified to that before and I wanted to put that into the record.

Senator BAKER. Is it your impression that you did tell the President something or all of this?

Mr. DEAN. I told him of the pressure from Mr. Colson's office on Mr. Magruder, because I was aware of this conversation.

Senator BAKER. All right; go ahead, Mr. Dean.

Mr. DEAN. I told him I didn't know if Mitchell had approved the plan, that I had never asked Mr. Mitchell directly whether he had, but I was aware from my conversations with Mr. Magruder that Mitchell had been the recipient of wiretap information and that Mr. Haldeman had also received, through Mr. Strachan, some of the information from the Democratic National Committee.

That generally covered what I told him of my knowledge of the pre-June 17 situation, and then I again went into rather broad generalities as to what had occurred after June 17. I told him, I raised the principal points that I thought were of concern, that the individuals that had been involved had been paid for their silence, and in fact, this had involved Mr. Haldeman, Mr. Ehrlichman, and myself and Mr. Mitchell in giving instructions to Mr. Kalmbach. I had mentioned this, I might add, the fact that I had been a conduit for this type of information, at an earlier meeting with the President back in

February, and he had disagreed with me as to the fact that I had had any legal problems from being a conduit.

We did not get into any great detail on that matter and he didn't seem to want to get into detail on that point when I raised that.

Senator BAKER. Is that the essence, now, of this meeting?

Mr. DEAN. No, sir, it is not.

Senator BAKER. Incidentally, I have forgotten the date. Tell me the date in March. Is this March 21?

Mr. DEAN. The morning of March 21, that is correct.

Senator BAKER. Go ahead, sir.

Mr. DEAN. I mentioned to him the fact that I had, after the decision had been made that Mr. Magruder remain at the Re-Election Committee, that I had assisted Magruder in preparing his testimony for the grand jury, which was perjured testimony.

Senator BAKER. Did you use that term?

Mr. DEAN. I don't think I used the term "perjured." I think I used "false testimony."

Senator BAKER. But at any rate, it was a description of your preparation of Mr. Magruder for his appearance before the grand jury?

Mr. DEAN. That is correct.

Senator BAKER. Go ahead, sir.

Mr. DEAN. I also mentioned to him the fact that as a result of the lack of money that was available that finally, there had been cash at the White House that had been used to pay for these individuals silence. I was referring then to the \$350 and I did not give him the details at that point in time.

Senator BAKER. This is the \$350,000 fund that was at the White House—

Mr. DEAN. That is correct, in cash.

Now, at any one of those points, which were the principal points that were in my mind at that point there may have been varying degrees of elaboration on, but I cannot give the degree of elaboration at this point, but I can recall clearly the principal points I raised with him.

Senator BAKER. The record should show that you are testifying to, at my request, a general outline of the conversation and this is not meant to omit other detail or statements that have been included in your previous testimony.

I would like to reach the point when you are ready when you can tell us in whatever detail you can what the President said to you or what questions he asked. You indicated, I believe, that toward the end, the President did ask some questions—

Mr. DEAN. Yes; he did.

Senator BAKER. You do not have a perfect memory of that, but would you—

Mr. DEAN. The questions were running along a tenor—there were not many—that indicated that the President still did not realize the implications of this matter and the one that really stuck in my mind is when he suggested to me that maybe some sort of presentation or briefing ought to be provided to the Cabinet. And I believe he also suggested the leadership, that this be explained to.

Senator BAKER. You mean to the congressional leadership?

Mr. DEAN. Congressional leadership.

Senator BAKER. I understand that there is a meeting with the congressional leadership, usually on Tuesday morning. Is this what the President apparently indicated?

Mr. DEAN. I do not know what particular day he was referring to and I cannot recall which day of the week the 21st was. I have not checked my calendar on that.

Senator BAKER. Go ahead, Mr. Dean.

Mr. DEAN. It was after—another point that came up in the conversation, because we talked about this subsequently on the 23d when he called me. I told him that I did not think all of the individuals involved would remain silent. I had very much in mind the matter of Mr. McCord.

Now, I would like to put something else that has just occurred to me that I do not believe has come out in the question and answer with regard to Mr. McCord. Shortly before the sentencing, I had a call from Mr. Mitchell and he suggested that Mr. Caulfield get back in touch again with Mr. McCord. I called Mr. Caulfield and talked to him about it and he said, well, I think I had better talk to you.

I said, well, fine.

He said, I want to come to your office and see you.

And he came into my office and he told me—he came in with a small diary that he had found in his car, and he said that he had, described one of the meetings that he had had with Mr. McCord, that he had driven into the country with Mr. McCord and had a discussion with him. Just shortly before this meeting in January—no; it was much later than January. Excuse me, it was in March that he was cleaning his car out and found this small diary, and apparently, it was Mr. McCord's diary. In it was noted each meeting that he had had with Mr. Caulfield and others and all the subsequent events that he had done. It was a daily diary and was up to the day that Mr. Caulfield had met with him.

Now, Mr. Caulfield handed it to me and I handed it back to Mr. Caulfield, and he said, I do not want this, and he tore it up and put it in his pocket.

It was based on that that I told Mr. Mitchell that I did not think that it was very wise that Mr. Caulfield and Mr. McCord meet further, because it was quite obvious to me, as it was to Mr. Caulfield, that Mr. McCord was keeping a very accurate diary of all of his activities.

Senator BAKER. Let us go back to your conversation with the President. We are on March 21 still. Can you recall any—

Mr. DEAN. I was explaining that. But even before this, you know, before the sentencing, I was quite confident that McCord was the most likely individual who would not remain silent and I did not—without specifying who it was, I told the President that I did not think it was possible that all of these individuals would remain silent forever.

Senator BAKER. But Mr. McCord and the incident that you have just related are what you had in mind when you made that statement to the President?

Mr. DEAN. That is correct.

Senator BAKER. Go ahead, if you will.

Mr. DEAN. I also—and without repeating, unless you want me to repeat it in full again, because I have repeated it several times now, is the matter about the fact of Mr. Hunt's demand that came directly to me through Mr. O'Brien, came up in the conversation.

Senator BAKER. Is this a conversation with the President?

Mr. DEAN. That is correct.

Senator BAKER. On March 21?

Mr. DEAN. That is correct.

Senator BAKER. Is it fully noted in your testimony?

Mr. DEAN. Yes, it is, and—

Senator BAKER. Is the language used in your testimony, prepared statement, exact enough for us to assume that that is precisely what you said and the President said, to the best of your recollection?

Mr. DEAN. Mr. Vice Chairman, I have exercised the greatest degree of care, particularly with my conversations with the President in my written statement. I have tried to not overstate anything and pursuant to the committee's desire to have the facts, to not understate anything.

Senator BAKER. All right now. How many—just so I know whether to ask you to do it again or not—how many more meetings are there that you need to describe?

Mr. DEAN. Well, there are several meetings. There is a meeting on the afternoon of the 21st. There is a meeting on the afternoon of the 22d, and there is a meeting when some of these things were repeated, on April 15.

Senator BAKER. All right, we have three more meetings to discuss; is that right?

Mr. DEAN. That is correct.

Senator BAKER. I think for the sake of time I will accept your written statement in that respect. Would you move on then to the afternoon of March 21?

Mr. DEAN. This was a meeting that was attended by Mr. Haldeman, Mr. Ehrlichman, and myself. When the meeting first commenced—

Senator BAKER. In the Oval Office?

Mr. DEAN. No, this was in the Executive Office. When the meeting first commenced, Mr. Ziegler was in the President's office, as I recall, and as the meeting settled down, Mr. Ziegler departed the meeting very—shortly thereafter, I have no recollection of how long he was in there but I would not say, oh, 4, 5, 10 minutes at the most was he there but there was no conversation because he was still conversing with the President about some press matter at that point in time.

Senator BAKER. Anyway, for the purposes of your narrative now can we assume that Mr. Ziegler was not privy to any of the Watergate conversation?

Mr. DEAN. That is correct.

Senator BAKER. All right, sir. Go ahead.

Mr. DEAN. And that meeting is the meeting in which there were discussions about having Mr. Mitchell come down and there were some discussions about this committee and there were some discussions about the fact that I was going to go to the grand jury, as I recall, but I was very—I have a very difficult time recalling that meeting for this reason: I was very upset at what had occurred that morning, had not



accomplished the goal that I wanted to accomplish and so the most important thing—

Senator BAKER. If you will—

Mr. DEAN [continuing]. If I might finish—that occurred during that meeting is that the President would, as was an often practice with the President, would go around to each individual to ask them for their judgment on a given point, and every time he got to me I would say “No, I disagree,” and finally, it got around to “Why do you disagree,” and for the first time, I said in front of the President and in front of Mr. Haldeman and Mr. Ehrlichman, I said, “I think that Mr. Haldeman, Mr. Ehrlichman, and myself are indictable.”

Senator BAKER. You anticipated my question. I was about to say if you would please state the important feature of that conversation. Is there any other significant and important part of the afternoon conversation other than that?

Mr. DEAN. That is, sir, the most significant thing because I can recall Mr. Ehrlichman was rather unhappy, as I said, when I said that.

Senator BAKER. What did Mr. Ehrlichman say or how did he express his unhappiness?

Mr. DEAN. Well, it was kind of, you know, a look and, you know, kind of a pained expression, and he did not reach across the table and swing at me or anything of that nature, but it was quite evident that when one man looks at another man you can tell whether—

Senator BAKER. In addition to that nonverbal communication did Mr. Ehrlichman say anything to you at that point that might be significant to this record?

Mr. DEAN. I think it is—my recollection of his particular response is not that good because I just have a very clear impression that he was unhappy. I know that subsequently to that, and I do not want to confuse subsequent events with events that occurred during the course of that meeting, that Mr. Ehrlichman got into a little discussion with me about obstruction of justice laws and I told him that he ought to pull his code down because I had had a rather interesting engagement, encounter with Mr. Ehrlichman the very first time I had met him back in 1970 when he was becoming counsel to the President. I met him in Senator Hruska's office, as a matter of fact, and he said, “Well, I have just been down to my new office where I am going to be counsel and they do not have any law books down there and the first thing I am going to do is put some law books down there.”

Well, when I went to Mr. Ehrlichman's office when he was counsel he did not have any law books in his office either, and he said, “Would you bring me a copy of that section of the code,” as I did have the law books in my office and I thought, I told him he ought to look up section 1503 of title 18 of the United States Code and particularly read the annotations thereunder.

Senator BAKER. All right, sir. What did Mr. Haldeman say, if anything, when you indicated to the President that you disagreed because you thought Ehrlichman, Haldeman, and Dean were indictable? What reaction did you have from Mr. Haldeman, particularly what did he say?

Mr. DEAN. I had discussed this with Mr. Haldeman on earlier occasions. I do not recall a reaction at that meeting that afternoon

because I had already talked to him about this in a meeting he and I had had shortly after the election and before the version of the Dean report which was put in writing and has been submitted to this committee as an exhibit.

Senator BAKER. But more to the point and just for the moment, did Mr. Haldeman say anything to you at that juncture?

Mr. DEAN. I cannot recall him saying anything at that point, no.

Senator BAKER. Did the President say anything at that point?

Mr. DEAN. No, this is toward the end of the meeting, and I am sure the discussion was that Dean is wrong, because there was no change. There was discussion about the fact that Mr. Mitchell, that was part of the discussion at that meeting, that Mr. Mitchell should come down the next morning. In fact, when Mr.—during the morning meeting, at the conclusion of the meeting the President called for Mr. Haldeman to come into the office and what he told, what the President told Mr. Haldeman was, is, that “John Mitchell should come down and you all should have a meeting with him.”

Senator BAKER. We are back to the morning meeting?

Mr. DEAN. We are back to the morning meeting but that is because I am not going into every detail and jumping back and forth to try to explain it to you.

Senator BAKER. All right, sir, go ahead.

Mr. DEAN. The next meeting with the President, and I am leaving out the intervening meetings with Haldeman and Ehrlichman at this point, the next meeting with the President occurred on the afternoon of the 22d.

Senator BAKER. Before you go to that, Mr. Dean, did the President say anything that you can recall, or let me put it in two parts, did the President say anything when you said Ehrlichman, Haldeman, and Dean might be indictable and if he did say something if you can recall, what did he say?

Mr. DEAN. I cannot recall what the President said. I thought I had dropped a bomb which I obviously had in front of the President, and certainly the explosion was still going over in my ears and I was not listening, I was looking at Mr.——

Senator BAKER. But you have no recollection that the President did or did not speak.

Mr. DEAN. No. As I recall, the meeting ended on the note that—

Let us have Mr. Mitchell come down and you all have a little discussion with Mr. Mitchell about these problems the next morning.

Senator BAKER. Who suggested that?

Mr. DEAN. I do not know. I am trying to be very careful.

Senator BAKER. All right, would you move on to March 22?

Mr. DEAN. To the meeting with the President that afternoon?

Senator BAKER. Yes, sir.

Mr. DEAN. The meeting with the President on March 22 was like many, many meetings that I had attended, in which there was a general discussion of this committee, questions of executive privilege at one point in that meeting, the President picked up the telephone and called the Attorney General because he had a report from Mr. Timmons that apparently Mr. Kleindienst was not dealing with you on

working out problems with this committee, and Mr. Mitchell referred to the fact that the President had had no problems excepting the fact that there is probably an over—he has overstated the executive privilege position and he is taking a beating on that and there should be some retraction or pulling back to a point on that.

Senator BAKER. This was John Mitchell's advice?

Mr. DEAN. That is correct.

Senator BAKER. Go ahead, sir.

Mr. DEAN. At one point during the discussions I asked the President to excuse myself because I was working on a statement with Mr. Ziegler regarding the Gray comment that I had probably lied. I went from—you are familiar with the President's Executive Office, we were sitting on the sofa in the office and Mr. Haldeman was sitting in a chair or Mr. Haldeman and Ehrlichman were on the sofa and the President was on a chair as you were facing us on the right and Mr. Mitchell in a chair on the left and I pulled up a chair at the other end of the table between the President and Mr. Mitchell and I asked to excuse myself to go handle this matter. The President asked me what it was about. I explained to him what it was about, he said "Go over to the corner and use the phone by the table," which I did and went over and had a quiet conversation with Mr. Ziegler for 10 minutes or so on the telephone, and then I rejoined the meeting and the discussion was still focusing around this committee, and the executive privilege question.

At that point, the President turned to me and said "John, I think that you ought to go up and discuss with Senator Ervin the parameters of executive privilege" and I said to the President, "I thought that would be very unwise because I am the point at issue in the Gray hearings and I am there negotiating my own position." He agreed, and Mr. Ehrlichman said that he would come up and visit with Senator Ervin on discussing executive privilege vis-a-vis appearances of White House staff.

The meeting was very much of this tenor. There was nothing dramatic that happened, and again this was somewhat to my surprise.

The meeting concluded, Haldeman and Ehrlichman departed the office, Mr. Mitchell stayed and had a social conversation with the President, they were talking about—

Senator BAKER. Were you there at the time?

Mr. DEAN. I was in and out for this reason, here is a point that I had really forgotten about that occurred in front of Mr. Mitchell. The President said in front of Mr. Mitchell that "John has been doing an excellent job on this whole problem," and it was just a compliment he paid me in front of Mr. Mitchell. I was trying to make an arrangement for Mr. Mitchell to meet with Paul O'Brien who had been wanting to meet with him and as you know outside the President's suite there, there is an empty office that he makes available for guests. I was talking to the receptionist as to Mr. Mitchell's availability of that. I went even to that office myself. I called my secretary to tell her to make arrangements for Mr. O'Brien to come over to meet with Mr. Mitchell in that office. I meanwhile went back in the President's office and told the President and Mr. Mitchell that that office had been set up and that my secretary was trying to arrange the meeting so that Mr. O'Brien and Mr. Mitchell could meet and, as I recall, I departed then for Mr.

Ziegler's office again to see what had happened with the White House response on Mr. Gray's statement regarding myself.

Senator BAKER. All right. Does that conclude the important aspects of the March 22 meeting?

Mr. DEAN. I think that does; yes.

Senator BAKER. And once again with the caveat that whatever else you have said in your prepared statement will be incorporated for the purposes of our colloquy here.

Do we move then to April 16?

Mr. DEAN. That is correct.

Senator BAKER. All right. Would you go ahead, please.

Mr. DEAN. Well, I might add, now, I had a conversation with the President on March 23.

Senator BAKER. All right. Would you tell us about that?

Mr. DEAN. The President suggested, as he had on previous occasions, and in fact my wife and I had talked about it, he had said, "John, have you ever been up to Camp David," and I said "Well, only once on a very brief visit" which had been on November 15.

Senator BAKER. Where was this conversation?

Mr. DEAN. These were in the Oval Office and they would come up at the end of a meeting or something in which he had suggested I go to Camp David to enjoy Camp David.

Senator BAKER. What time during the day of March 23?

Mr. DEAN. Did I receive the call?

Senator BAKER. I am not quite sure I understand.

Mr. DEAN. All right.

Senator BAKER. There was a meeting with the President.

Mr. DEAN. I was referring to the fact that, I know there has been some—I have read in the press that, you know, the President was continually trying to send me to Camp David. Well, the invitations I was getting to go to Camp David were not to go for any personal reasons other than to go up and enjoy Camp David and relax as during the Gray hearings as my name was coming more to the forefront and the President was telling me, "Don't bother to read the newspaper, I have been through this sort of thing before," and he told me that on countless occasions to ignore the newspapers and not let this get to me. And I had relayed this to my wife and told her that the President had been very gracious in saying that we should go to Camp David and enjoy the facilities up there.

Senator BAKER. Was there a meeting on March 23?

Mr. DEAN. No; there was a telephone call that came in, it must have been after lunch time, some time, I don't recall precisely when, what hour, but we arrived there at about 3:30 or so, so I would say that the call probably came in, given the fact that it is about over a 2-hour ride, about 1, 1:30 or so, and I would assume the President was calling, by then he had left for Florida.

The President said to me, he said, the most interesting thing I remember that is relevant to your inquiry now is, he said, "Well, John, your prediction is correct." That was in reference to the fact on the 21st I told him I thought one of the defendants would—would not remain, not all the defendants would remain silent and here in fact this had occurred when Mr. McCord had submitted his letter to the court on the 23d.

Senator BAKER. Let's examine that just a moment, Mr. Dean.

Did the President say that you were proved correct because McCord has said so and so or is this an inference you draw from the circumstances?

Mr. DEAN. Well, he was quite aware of the fact that McCord had, in the conversation that came up he was aware of the fact that McCord's letter had been read in court that morning.

Senator BAKER. Tell me what he said, please?

Mr. DEAN. He just acknowledged the fact that he was aware of Mr. McCord having submitted a letter to the court.

Senator BAKER. Can you recall the language?

Mr. DEAN. No; I cannot.

Senator BAKER. But it was your—it is your recollection that the President conveyed to you the information that he knew of the McCord letter to the court?

Mr. DEAN. Yes, and then he told me, he said, "Well, John, your prediction was right."

Senator BAKER. All right, sir, go ahead.

Mr. DEAN. That did stick in my mind very clearly.

It was after that we entered into a discussion about going to Camp David. He suggested I go up and relax.

Senator BAKER. I thought you were at Camp David.

Mr. DEAN. No, sir; I was at my home.

Senator BAKER. I am sorry. Go ahead, sir. Thank you.

Mr. DEAN. I had been surrounded by the press that morning as a result of the preceding day's comment by Mr. Gray. I have not made myself carefully available to the press during any time in this matter and my house has been, I might say, staked out almost 24 hours a day by the press.

Senator BAKER. Was this the time when a newspaper or television reporter tried to interview you through the mail slot?

Mr. DEAN. No; that was rather recently when I refused to open the door and she kept pounding on the door and so I finally opened up the mail slot and, to correct the record on that, I was not on all fours, I was merely on my, bending down [laughter]. Just to keep accuracy in the media [laughter].

Senator BAKER. And just for the sake of chivalry, we will not say who that was.

All right, Mr. Dean, go ahead, please.

Mr. DEAN. We entered into a discussion about going to Camp David, and I told him yes, that sounded good, because I told him that I was surrounded by the press and he again repeated what he had repeated to me earlier, that I had been under a lot of press coverage as a result of this. But the important thing that you are interested in, he told me not to go to Camp David to write a report. Rather, he told me to go up, relax for a couple of days, take my wife. He told me he does his best thinking at Camp David and that what I should do is go up and assess the entire situation and figure out where we go from here.

I told him I would do that. I told him I would go up and think over the entire matter.

Senator BAKER. This was on March 23?

Mr. DEAN. That is correct.

Now, when I arrived at Camp David on March 23, we had some incidental conversation about that as a result of the fact that some other of the First Family was up there. But I do not think that is relevant at all. I do not even think it is relevant to my testimony this morning.

When I arrived at Camp David, the phone was ringing in the cabin that my wife and I were staying in and the operator came on and said, it is the President calling. I waited and the President did not come on. Rather, Mr. Haldeman came on the phone. Mr. Haldeman said—we had a little further conversation, brief conversation about McCord's letter because I had not spoken with him during the day on the McCord letter. I had talked to Mr. Ehrlichman earlier that day about the McCord letter.

I recall Mr. Haldeman saying that he had understood that McCord basically had hearsay and I said, that was my understanding. So I assumed from that that Mr. Haldeman had obviously talked to somebody also about the matter.

Then he said, while you are up there, why don't you write up a report on this matter? And I asked him was it for internal or external use? And he said that would be decided later.

So I was very much in a quandry as to how to write what he wanted to write. But I had also, by the time I got to Camp David, had well evidenced to everybody I was dealing with that I was thinking far differently about the continued coverup than I think others were.

Senator BAKER. This was a conversation with Mr. Haldeman?

Mr. DEAN. That is correct.

Senator BAKER. All right. Would you proceed to the next conversation with the President?

Mr. DEAN. That will take us to April 15.

Now, this meeting was indirectly at my request. On Saturday, the 14th, I had presented a list to Mr. Ehrlichman and Mr. Haldeman and told them that I thought, based on the conversations that my counsel had had with the prosecutors, and my counsel's assessment of the entire facts of the circumstances, that they were also targets of the grand jury, along with myself. They expressed concern about this, and indicated that this was contrary to what Mr. Kliendienst had told them just a short time preceding that regarding what the grand jury was doing and which way it was going.

Well, now, of course, my conversations with the prosecutors were off the record at this point in time. So obviously, the Attorney General would not know it.

So after Mr. Ehrlichman—this resulted in the Attorney General meeting with the President on Sunday and I believe Mr. Petersen might have been there—I do not know for a fact—and I had a call from Mr. Ehrlichman also on Sunday, but I was with my counsel and we were in another meeting. I did not answer the call until about 7:30 that night. Mr. Ehrlichman said he happened to be going back to his office and wouldn't I drive along in and have a chat with him about some things he wanted to chat with me. It was quite evident to me that what had happened is that after the President had met with the Attorney General and Mr. Petersen, that Mr. Haldeman and Mr. Ehrlichman had gotten—been informed of this—and he wanted to talk to me about why I had been to the prosecutors. I did not want to talk to Mr. Ehrlichman.

Senator BAKER. Mr. Dean, I am sorry; it is 3 o'clock and I am going to run out of time, and I am going to miss another vote, but would you tell me of your conversation with the President on the 15th?

Mr. DEAN. All right, I will go into that. I was a little rattled by the fact that I had not been to the President to tell him that I had been to the prosecutors when I went in. To be rather specific, he realized I was rattled and I had had enough rapport with him by this time that I was comfortable in dealing with him. I had thought on the way in, I wonder if I am being set up by the President. Now, this was an awful thought to run through my own mind, because I knew that Haldeman and Ehrlichman knew that anything the President asked me, I would answer and I would answer truthfully. You just do not lie to the President of the United States.

Senator BAKER. Move on to the conversation.

Mr. DEAN. Right. Well, I am telling you that—all right, the conversation.

So the President offered me a cup of coffee.

Senator BAKER. First of all, where was the meeting?

Mr. DEAN. This was in the Executive Office Building.

Senator BAKER. All right, in the President's office there?

Mr. DEAN. In the President's office, correct.

Senator BAKER. Who was present?

Mr. DEAN. The only persons that were present were myself other than when Mr. Sanchez came in with some Coca-Cola for me and went back out.

Senator BAKER. All right, sir, go ahead.

Mr. DEAN. I told the President that I had been to the prosecutors. I told him I did not believe this was an act of disloyalty, I felt I had to go and do it. I said I thought in the end that it would be considered an act of loyalty and I felt that when I made my decision to go, that was the way I felt.

I told him that in my discussion with the prosecutors, I had discussed my own involvement and the involvement of others.

I told him that I had not discussed any conversations I had with him with the prosecutors, and I had not had any dealings with the prosecutors vis-a-vis myself and the President.

At one point in the conversation, I recall the President asking me about whether I had reported to him on the fact that Mr. Haldeman had been told by me after the second meeting with Mr. Mitchell on February 4, 1972, about what occurred in that meeting.

I said, yes, I had.

Then the President raised the fact that this had come up in a discussion he had had with Henry Petersen, and Petersen had raised with him why had not Haldeman done something to stop it.

Then the President went on to tell me, he said, well, now, John, you testify to that when asked. Now, I want you to testify to that when asked, that you told Mr. Haldeman.

At one point in the conversation—and I am just rambling through the high points and not going through every detail here—at one point in the conversation, we talked about the fact that Liddy was remaining silent. The President at this point—I told him that I thought that Mr. Liddy was looking for some sort of signal. He told me that he had got

from Petersen, I believe, the President had the impression that Liddy was looking for a signal.

I said, yes, that is my understanding, also, that Mr. Liddy is looking for some sort of signal. I said, what might be the signal is that you are to meet with Liddy's attorney.

At this point, he picked up the telephone and called Mr. Petersen.

Senator BAKER. "He" being the President?

Mr. DEAN. "He" being the President. Once he got Mr. Petersen on the telephone, the President winked at me and said, like I was not in the office, began his conversation with Mr. Petersen about the fact that he was willing to talk to Liddy's lawyer if necessary to give Mr. Liddy the signal to talk.

Mr. Petersen—I didn't hear the other end of the conversation, but he talked about some other things to Mr. Petersen. I don't know what they were.

Senator BAKER. What else? We are speaking of April 15.

Mr. DEAN. That is correct.

I recall also the President asking me about Henry Petersen and my assessment of Henry Petersen, and I assume this was prompted by the message that I had sent to the President earlier regarding Mr. Petersen when I sent a message through to him that I didn't want to talk to Ehrlichman. I told him I thought that Mr. Petersen was a man who was one of the most able criminal lawyers in the business, that he could give the President a good assessment of the entire circumstance. I told him that he ought to take his own personal counsel from Mr. Petersen.

Now, I didn't feel like telling the President that he had problems, but I thought that I was giving the President a very clear signal that he might want to talk to Mr. Petersen about his own situation.

I told him that I didn't think that Mr. Petersen would want to do anything to see the Presidency harmed and that Mr. Petersen was a very, very well respected man at the Department of Justice who plays it right down the middle and he will give you the best advice in the world. And that is my assessment of Mr. Petersen.

Senator BAKER. What else happened? What else was said by the President or by you?

Mr. DEAN. The President at that time expressed appreciation for my evaluation of Mr. Petersen.

I recall, and this is not in my testimony because it is now falling on something that I remembered at the end of the Petersen conversation, there was also some discussion about my feelings about appointing a special prosecutor. He said something to the effect that, "I don't think we need a special prosecutor at this time, do you?"

I said, "I think that Mr. Petersen is an honorable, capable man to handle the job."

Senator BAKER. Was there anything else?

Mr. DEAN. At some point in the conversation, and I believe this was toward the earlier part of the conversation, the question came up as to whether I had immunity from the Government as a result of my dealings with the prosecutors. I told the President that my lawyers had discussed this with the Government, but I assured him—and this is very clear in my mind, because it later came back to surprise me when I read a subsequent statement of the President—I told



the President that I had no deal, I can assure you, with the Government at all.

The President at that point said, and I remember this very clearly, he said, "John, I will do nothing, I assure you, to interfere in any way with your negotiations with the Government." And that would be fairly close to the words I believe he used.

I think I mentioned earlier also—I don't know if just in this sequence of going through this particular meeting—that the President asked me if I remembered the date at which I had given him the report on the implications of the Watergate, and I said that, before I got my answer out, he said, "I think that was on March 21. Do you recall if that is correct or not?"

And I said I had to check my own records to find out what date that was.

Senator BAKER. Now, let me examine that a little more. The President asked you what?

Mr. DEAN. He asked me if I remembered what day it was in March that I had given him my report on the implications of the Watergate—some words to that effect again. Before I got my answer out, he said, "I believe it was on the 21st."

I said to him that I would have to check my records or check the records to determine exactly what day that was.

And I might add that that came up again on Monday afternoon, when he told me he had checked and determined that indeed, that it was the 21st.

Senator BAKER. Was it the 21st?

Mr. DEAN. Yes, it was the 21st.

Senator BAKER. What else, sir?

Mr. DEAN. We had some discussion about the fact that I had discussed no national security matters with the prosecutors, or he instructed me that I could not deal with national security matters or any matters with regard to executive privilege. I assured him that I had not at that point had any such conversations with the prosecutors.

It was toward the end of the conversation that he raised on his own and asked me if I remembered when he had mentioned the fact that it would not be any problem to pay \$1 million and I said, "Yes, I recall that conversation." He said, "Well, of course, I was joking, I was only joking when I said that."

Then shortly after that, I recall that he got up from his chair and walked behind his chair to the corner of the office. I don't know if it is the chair he normally sits in when he is in the Executive Office Building, but he has one favorite chair over beside his desk. He got up and went around the chair and in back of the chair and in a barely audible tone to me, but I could hear what he was saying, he said, "I was foolish to talk with Colson about Executive clemency for Hunt, was I not?"

I don't recall making any statement or response to that. It was sort of a declarative statement and I said nothing.

Senator BAKER. What else?

Mr. DEAN. Well, as I say, shortly after he got out of his chair, I don't recall him getting back in his chair and we began exchanging some pleasantries as I was leaving the office.

As I was leaving the office, he said to me, "say hello to your pretty wife" and some things of this nature, which I came home and conveyed to her, because she always liked to hear those things.

Then also, as I was standing by the door, I remember I had the door open and I turned to the President, who was standing not 10 feet away from me, and told the President that I certainly hoped that the fact that I was going to come forward and tell the truth did not result in impeachment of the President. And I told him that I hoped the thing would be handled right, and he assured me that it would be handled right.

And the meeting ended on that note.

Senator BAKER. Is that the last meeting or conversation you had with the President?

Mr. DEAN. No, sir; I met with him the next Monday morning, in which he called me and asked me to come in the office. I received a call while I was, before I really left to come in.

Senator BAKER. Hold it just 1 minute. The next meeting would have been April what?

Mr. DEAN. April 16.

Senator BAKER. And is that the last meeting?

Mr. DEAN. No, sir— well, there were two meetings on the 16th, one call on the 17th, and then a call on Easter morning.

Senator BAKER. It is 3:15 and I promised to take 20 minutes and I have taken an hour. I am sorry for that and I haven't the slightest intention of proceeding even to my second question, which was to ask your assistance in identifying the probable areas of conflict between your testimony and that of other witnesses.

Mr. Chairman, I thank you for this time and I am willing to yield at this point.

Mr. DEAN. Mr. Vice Chairman, I might just comment briefly on your second question.

I am quite aware of the fact that in some circumstances, it is going to be my word against one man's word, it is going to be my word against two men, it is going to be my word against three men, and probably in some cases, it is going to be my word against four men. But I am prepared to stand on my word and the truth and the knowledge and the facts I have. I know the truth is my ally in this and I think ultimately, the truth is going to come out.

Senator BAKER. Mr. Dean, I might say that the reason I had intended to formulate that question was anticipation of conflict and the very point that you make. The alternative way to handle that, of course, would be to have rebuttal or surrebuttal from you after we receive the other testimony, that is, if there is conflict, the committee may wish to recall you to testify further or it may not. But since time is moving on, I think it is better to wait and make that judgment later and I assume that you, like every other witness, would be willing to return if that seems indicated.

Mr. DEAN. I stand at the subpoena of the committee at this point in time and if the committee desires me back, I will return.

Senator BAKER. Thank you very much.

Senator ERVIN. I found in the record the exhibit to which I asked you the question whether George Wallace of Alabama was listed

among the enemies. I find that on the page about 12 black Congressmen—Congresswoman Shirley Chisholm and 11 Congressmen are named. And then there is miscellaneous politicians: John V. Lindsay, mayor of New York City, Eugene McCarthy, former U.S. Senator, and George Wallace, Governor of Alabama.

Now, before I get silenced, I have been furnished by the Library of Congress through the agency of Senator Inouye a Xerox copy of an extract from the New York Tribune of February 14, 1862, which has an item of historical value. It is entitled "The Premature Publication of the President's Message."

President Lincoln today voluntarily appeared before the House Judiciary Committee and gave testimony in the matter of the premature publication in the Herald of a portion of his last annual message. Chevalier Wikof was then brought before the committee and answered the question which he refused to answer yesterday, stating, as is rumored, that the stolen paragraph was furnished to the Herald by Watt, the President's gardener, who was reported as disloyal by the Potter Committee, and whose nomination to a Lieutenantcy the Senate so decidedly refused to confirm, but who is still to be seen in the White House, and is said to be an applicant for a foreign appointment. The public can learn from this case in what sewers it is the taste of the Herald to fish for state secrets.

The Chevalier is still in close confinement at the Capitol, in quarters at which his fastidious tastes revolt. An iron bedstead was purchased for him today. His most frequent visitor is said to be General Sickles. The first papers taken by the officers out of the pocketbook of the "special representative of the New York Herald," now in Fort McHenry, was a pass admitting Dr. Ives at all hours to the War Department, signed "George B. McClellan."

That is an item concerning the manner in which President Lincoln volunteered to appear and testify before the House Committee.

Senator BAKER. Mr. Chairman, I might say in that respect, although my precedent is not nearly as old as your precedent, that I believe in 1919, in junction with the efforts to ratify the Treaty of Versailles, rather than a President appearing before a committee of the Congress, in fact, President Wilson invited the Foreign Relations Committee to meet with him.

So as we say in Tennessee, there are lots of ways to skin a cat and I wouldn't presume to say how we go about it. But I do hope that there is some way to supply additional information on these crucial and important points.

Mr. Chairman, might I say one other thing on an unrelated matter?

Congressman Garry Brown has written a letter to this committee that refers directly to certain statements made by Mr. Dean. Congressman Brown has also indicated to me that he wishes to file a sworn statement in compliance with the rules of the committee and I would ask, if there is no objection, that the letter be included in the record, and the statement that Congressman Brown may later submit be included in the record at the appropriate place.

Mr. ERVIN. Without objection, it is so ordered.

[The document referred to was marked exhibit No. 69.\*]

Senator ERVIN. Senator Inouye.

Senator INOUE. Thank you, Mr. Chairman.

Mr. Dean, I have a few questions I would like to follow up on.

\*See p. 1791.

In your colloquy with Senator Baker on the meeting of April 14, at which time, you have testified that you had a discussion with the President—

Mr. DEAN. April 15, Senator?

Senator INOUE. April 15?

Mr. DEAN. Yes.

Senator INOUE. On the matter of immunity?

Mr. DEAN. That is correct.

Senator INOUE. You have indicated that the President told you that he will make no effort to interfere in your negotiations with the Government.

Mr. DEAN. He made that very clear to me, Senator. And I might say that that was one of the things that led me to issue the statement that I did regarding my unwillingness to be a scapegoat in this matter.

Senator INOUE. Do you think at that time the President was aware that you had evidence that might incriminate him?

Mr. DEAN. I am sure he was aware of the conversations we have had and as I have indicated to the committee, because of the nature of the conversation, because of subsequent events, I had reason to believe that that conversation was being taped. The subsequent events that gave me further confirmation of that were the fact that the prosecutors indicated the President had indicated to Mr. Petersen that he had taped my conversation or allegedly taped my conversation and that I had said that I had immunity in exchange for the testimony of Mr. Haldeman and Mr. Ehrlichman.

Senator INOUE. This is my final question relating to the matter of friends and enemies. First, may I touch upon the matter of friends. You indicated earlier that the White House was looking into a tax matter involving a very, involving a person very close to the President, and I believe you indicated that he was guilty up to his teeth.

Mr. DEAN. That is correct.

Senator INOUE. Was this matter at that moment in the hands of the Criminal Investigation Division?

Mr. DEAN. When it was first brought to my attention it was still at the Internal Revenue Service. I was asked to see what I could do about it. I called and spoke with Mr. Walters on this case and told him what the concern was. I then—he told me at that point in time, he said—well, let me back up just a moment. The individual involved had said that he thought he was being harassed by the agents of the Internal Revenue Service. I raised this with Mr. Walters and he said, he assured me, that could not be the case after he looked into it. He said there is a very strong case against this individual, and that ultimately it is going to be transferred to the Tax Division at the Department of Justice for further analysis.

I merely asked to be kept advised of the status of the case because I felt the President may want to know because this was an individual the President saw with great regularity, and I got questions on it with considerable regularity.

Senator INOUE. Did the President personally express interest in this?

Mr. DEAN. It gets more and more painful to bring these names out as it was painful to bring the President's name out. It is painful to

bring out other people. It was Rosemary Woods who kept asking me the status of the case because this individual was seeing the President a good deal.

Senator INOUE. What is the status of the case?

Mr. DEAN. Well, as I say, it was ultimately referred over to the Civil Division, or the Tax Division of the Department of Justice. I asked to be advised on the various status of the case. I told Miss Woods at one point that she should just stay as far away from this case as possible. She was seeing the individual, having encounters with the individual who was the subject of the tax case, and he would protest his innocence to her. He is a fine man, and she was quite convinced of his innocence and could not believe that he was not being harassed by agents that were trying to get somebody who was close to the President. The individual was using the President's name a great deal, he was traveling with the President to China and Russia and other places, and the like. As a result of this, I merely asked that I be kept advised of the status of the case. When it was at the Justice Department, the Justice Department assessed it. I had a conversation with Mr. Ralph Erickson, he said "There is nothing we can do with this. There is one thing more we can do," and he said "there are some weaknesses in the investigation and we may send it back to the Internal Revenue Service for one last look to see if this fellow, it really is a solid case."

They did do that and it came back "Absolutely solid case." I said, "Don't touch it, send it right on through," and that is what they did and the case is proceeding forward.

Senator INOUE. Has he been indicted?

Mr. DEAN. I do not know if he has been indicted yet, but I know that there is no, to my knowledge, there is nothing which has been done to impede the case.

Senator INOUE. Mr. Erickson was fired, was he not?

Mr. DEAN. Was he fired?

Senator INOUE. Yes.

Mr. DEAN. I do not think that is quite accurate, no.

Senator INOUE. Would you wish to tell us who this important individual is?

Mr. DEAN. It might affect his tax case.

Senator INOUE. Then, please do not tell us [laughter].

I would like to now discuss a case involving an enemy. Mr. Dean, I am certainly aware that these hearings unfortunately have permanently damaged the reputations of good and decent people. Furthermore, reputations have been destroyed in past months, in past years by activities allegedly related to activities in the White House.

In your statement you mentioned that on February 28, 1973, you were asked to look into a case of Mr. A. Ernest Fitzgerald by Mr. Clark Mollenhoff. Do you recall that?

Mr. DEAN. Yes; I do.

Senator INOUE. This gentleman is the one, the fellow who worked in the Air Force, Department of the Air Force?

Mr. DEAN. That is correct.

Senator INOUE. And he is the person who was requested by a duly authorized Senate committee to testify on the C-5A?

Mr. DEAN. That is correct.

Senator INOUE. I believe it is very important to Mr. Fitzgerald to learn whether he was released or fired because of reduction in force in the Air Force, as the Air Force claims, or whether he was fired either by the Air Force or under orders of the White House or the President, because he told the truth about the \$2 billion cost overrun of the C-5A. If we can clear the reputation of one man I think this committee would have done well today. So, may I ask a few questions?

Mr. DEAN. Senator—

Senator INOUE. Was the President of the United States concerned about the Fitzgerald case?

Mr. DEAN. May I preface my answer with this: I believe it was on January 31 of this year that Mr. Mollenhoff raised this at a press conference. The President was caught totally off guard by the answer and what you might say is he sort of was winging it on how to respond to Mr. Mollenhoff's question. There was a lot of misinformation that got into the record. The President apparently confused two or three other cases he was aware of, he had remembered the name Fitzgerald and as a result of that Mr. Ziegler had a conversation with the President, after having other conversations with Mr. Mollenhoff, Mr. Ziegler says the President wants you to get into this. I subsequently had that instruction directly from the President also.

I had a man on my staff handle this. I was not directly handling it and, as I told Mr. Mollenhoff when he and I had several telephone conversations, that, I said, "Clark, this is one I am going to have to study but I have not gotten into right yet." I still have not had a chance to get into it and I think, based on my testimony, you can see what I was doing, why I was not able to get into the Fitzgerald case so I am not terribly familiar with the substance of the Fitzgerald case. So it will be very difficult for me to answer those questions, and I had full intention of looking into the matter but before I got to it I was relieved from my duties at the White House.

Senator INOUE. Did the President ever tell you why he was interested in the Fitzgerald case?

Mr. DEAN. No; he merely said, he merely said that he did not want Mr. Mollenhoff to keep reraising it at every press conference so would I work with him.

Senator INOUE. Do you know if Mr. Haldeman or Mr. Ehrlichman were interested?

Mr. DEAN. There is a rather extensive file in the White House on Mr. Fitzgerald that was retrieved at one point by a member of my staff who was bringing the material in so I could at least read it all. There were the hearings and a book that Mr. Fitzgerald had written and then there was correspondence and the like. I never got the opportunity to read those materials to make an assessment. Based on my conversations with Mr. Wilson of my staff I thought Mr. Mollenhoff frankly had a very good point and I thought it was something that should be looked into, and I thought there might have been errors that should be corrected.

Senator INOUE. You have indicated that this case was assigned to someone on your staff.

Mr. DEAN. That is correct.

Senator INOUE. Who is this person?

Mr. DEAN. Mr. David Wilson.

Senator INOUE. Is he still in the office of the White House counsel?

Mr. DEAN. No, he has now gone, I believe to the Cost of Living Council.

Senator INOUE. Mr. Chairman——

Mr. DEAN. His departure is totally unrelated to the Watergate. He went over there because he was looking for another job, he had grown in the job he was in, there was a general staff reduction at the White House, I was also to tailor some of my staff, and it was an excellent opportunity for him. He is a very bright, capable young lawyer and he is still there and I am sure he may still have some familiarity or if he were to reexamine the records he might be able to be of some assistance to the Senate, Senator, on this matter.

Senator INOUE. Mr. Chairman, if Mr. Fitzgerald's reputation has been unjustly injured, and if this committee can in any way assist Mr. Fitzgerald in regaining his reputation——

Senator ERVIN. Senator, I do not believe this matter falls within the jurisdiction of this committee under the resolution. I think it is alien to what we are authorized to investigate.

Senator INOUE. I brought this up because we were discussing all day the matter of friends and enemies and I presume this man was on the enemy list.

Senator ERVIN. I do not know, but we I do not believe are authorized to investigate Mr. Fitzgerald's case here.

Senator INOUE. I thought it might be well to invite Mr. Wilson to help clear Mr. Fitzgerald. Otherwise, once again, thank you very much.

Mr. DEAN. I would merely offer this to the Senator. I think that if Mr. Mollenhoff reraises it at one or two more press conferences it may be given attention again. [Laughter].

Senator INOUE. Thank you very much, sir.

Senator ERVIN. Senator Gurney, do you have any further questions?

Senator GURNEY. Just one, Mr. Chairman, to clarify the record. In the morning session, Mr. Dean, in Mr. Inouye's, Senator Inouye's questioning on pressure being brought to bear on any of the members of the committee, you did mention that you had had prior dealings with the chairman, with Senator Gurney, and with Senator Weicker.

Now, this came up in a context of pressure being brought to bear on members of the committee and also——

Mr. DEAN. No, sir; as my recollection of the question was when we were assessing members of the committee who I was familiar with on the committee, and the only people that I knew by reputation or any personal dealings on the committee were you from your years in the House, Senator Weicker from my knowledge of him in the House, and that was about the extent of my knowledge.

Senator INOUE. Well, I realize that but it did come up in context, this questioning about pressure on the committee of digging up dirt and I thought we ought to clarify what the prior dealings were. None of these prior dealings with the chairman, Senator Ervin, or myself, or Senator Weicker had anything to do with Watergate; did it?

Mr. DEAN. No, sir.

Senator INOUE. My recollection of my own personal contacts with you is only one, although yours are two. One occurred in Senator Hruska's office during the Kleindienst confirmation hearings when you

got with the Republican Senators, and I was among those, on the Judiciary Committee, and discussed the pending request to have Peter Flanigan, a White House counsel, I guess his job is to testify before the committee in response to a request by our chairman, Senator Ervin on the committee. That was one of the occasions, and I recall that we suggested with our advice that the White House had better send him up, this was a matter of executive privilege, otherwise he would not be confirmed.

Is that your recollection of our meeting?

Mr. DEAN. That, I have a vague recollection of because I was not the principal actor in that. The meeting I recall was during the same set of hearings when you were going to appear on either Face the Nation or Meet the Press or one of the national television shows and I was instructed to provide you with briefing material for you and your staff to go over in preparation for that appearance.

Senator INOUE. There was a discussion?

Mr. DEAN. Yes, I brought Mr. Fielding up with me and we had a very cordial, brief meeting. Mr. Fielding, I understand, had some subsequent meetings with you and your staff, and prepared you for that briefing session on national television.

Senator INOUE. That was the discussion with Senator Tunney, as I recall it on the whole matter of executive privilege that came up during the Kleindienst hearings; is that correct?

Mr. DEAN. I think that is correct. It definitely had to do with the Kleindienst hearings, yes.

Senator INOUE. Thank you.

Senator ERVIN. Senator, I would like to state that my impression of this matter that referred to the allegation Mr. Haldeman had called down to North Carolina should be reference to the time I was fighting the impoundment of funds and had no reference whatever to this committee. I was very sorry it was brought out here. I never attributed any importance to it, and it didn't bother me at all, and my understanding is that it had no relation whatsoever to my service on the Senate Select Committee but was, Mr. Haldeman was, kind of distressed because I was taking a very strong stand in respect to the President's power under the Constitution to impound funds.

I think that is what it was. If he did anything, I think that this is what provoked him, and not my service on this committee and I just think in fairness to everybody that I would state that.

Senator WEICKER. Mr. Chairman, I just have one further question along the lines of the precedents cited by the chairman and the vice chairman, and that appears in Carl Sandburg's book on Abraham Lincoln, "The War Years," where he writes:

Yet the talk of a Southern woman spy in the White House arrived at the point where Senate members of the committee on the conduct of the war had set a secret morning session for attention to the reports that Mrs. Lincoln was a Disloyalist, so the story goes, though vaguely authenticated.

One member of the committee told of what happened. "We had just been called to order by the chairman when the officer stationed at the committee room door came in with a half-frightened expression on his face. Before he had opportunity to make explanation we understood the reason for his excitement, and were ourselves almost overwhelmed with astonishment for at the foot of the committee table stood solitary, his hat in his hands, his form towering, Abraham



Lincoln stood. Had he come by some incantation thus of a sudden appearing before us unannounced we could not have been more astounded. There was almost unhuman sadness in the eyes, and above all an indescribable sense of his complete isolation which the committee felt had to do with fundamental senses of the apparition. No one spoke, for no one knew what to say. The President had not been asked to come before the committee nor was it suspected that he had information that we were to investigate reports which, if true, fastened treason upon his family in the White House. At last the mourning corpus spoke slowly with control, although a depth of sorrow in the voice:

"I, Abraham Lincoln, President of the United States, appear of my own volition before this committee of the Senate, to say that I, of my own knowledge, know that it is untrue that any of my family hold treasonable communication with the enemy."

Having attested this he went away as silent and solitary as he had come. We sat for some moments speechless and, by tacit agreement, no word being spoken, the committee dropped all consideration of the rumors that the wife of the President was betraying the Union, we were so greatly affected that the committee adjourned for the day.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, on another subject, having already cited my precedent for the day and not wanting to oneupmanship my colleagues, I have something entirely different. I have before me a letter from Senator Strom Thurmond of South Carolina and if there is no objection, I would like to include it in the record and read it briefly.

It is dated June 29, 1973, from Senator Thurmond.

Earlier testimony in today's hearing carried the impression that a friend of mine, Mr. Harry Dent of South Carolina, might have done something improper. I would greatly appreciate it if one of you gentlemen would set the record straight before today's hearings are completed. The testimony that I refer to came about during questions asked by Senator Inouye regarding attempts made by Republicans to "find dirt" on Senator Ervin. Mr. Dean said that Harry Dent had been contacted, but no one stated that Mr. Dent declined.

I suggest that this be brought out by questioning Dean directly or by obtaining permission to insert any of a number of news stories which appeared in the press which indicated that Mr. Dent had declined to do any of that type research against Senator Ervin. Thank you for your cooperation in this matter.

Senator ERVIN. If I may add to that, the newsman who wrote the article informed me that he had contacted Mr. Dent and Mr. Dent had assured him that he had had nothing whatever to do with that matter.

Let the reporter mark the letter with the appropriate exhibit number.

[The document referred to was marked exhibit No. 70.\*]

Senator BAKER. Thank you very much.

Mr. DEAN. Mr. Chairman, I believe I also answered no question that indicated any wrongdoing or misdoing on Mr. Dent's behalf. I was merely asked what his role was, what he was doing now and I think I misspoke myself when I said he was practicing law in North Carolina when I meant South Carolina is the only mistake.

Senator ERVIN. If I might state further on that thing, I have stated what Charles R. Jonas, Jr., had stated, and I want to add that I appreciate that very much. I had known his grandfather, Charles A. Jonas, who was Congressman from my district elected in 1928, and a very fine gentleman and also his father represented a North Carolina district which included in part my county for many years and he

\*See p. 1793.

rendered very distinguished service to North Carolina and the Nation as a Congressman for a period of 20-odd years.

Senator BAKER. Thank you, Mr. Chairman.

Senator ERVIN. Mr. Dash.

Mr. DASH. Mr. Dean, first, I think the record ought to be corrected from yesterday's testimony. I think there is an error in the record and would ask your assistance in correcting it. This has to do with your reference to Mr. Fielding's knowledge and we received a letter from Mr. Ronald B. Wertheim, counsel for Mr. Fielding.

The record as it presently reads on page 2824 of yesterday's transcript has you testifying:

I think Mr. Fielding probably had a general awareness about the specifics of the fact that I was involved in assisting with the coverup.

The recollection of Mr. Wertheim, who heard your testimony, was that you in fact said:

I think Mr. Fielding probably had a general awareness without any specifics of the fact I was involved in assisting the coverup.

Which is correct?

Mr. DEAN. I think the latter is correct as I recall the statement.

Mr. DASH. We will see that the record is corrected to reflect that.

Now, Mr. Dean, I know we have gone through all of these hearings or meetings with the President and I am going to try to be very brief. There is one particular meeting that I do want to go back to because I think it is a very crucial one and I just want to hit the highlights with you, and this is the meeting of September 15, 1972, that you had with the President. I think it is significant. One is, as you testified frankly, was the first meeting you had with the President on a 1-to-1 basis which was your language, and, two, it was the day, September 15, when the indictments came down of the first Watergate trial which cut off the involvement at Liddy and you were called in to have a meeting with the President.

Now, I think what I want to just clear up is what was a realistic version of the meeting and perhaps an unrealistic version that may have come up in questioning concerning that meeting.

As I understand, that what you testified to was that when you came in, and leaving out other areas but getting to the specifics, that the President told you that Bob Haldeman had kept him posted on how you would handle the Watergate case. You were asked a question as to whether or not the President had, in fact, told you about his knowledge of the Watergate case or had indicated any knowledge on his part of any of the coverup. I think the first question I would like to ask is would you have expected, in any relationship with the President, for the President to have asked you to come in and said that "Bob Haldeman had told me about your covering up of the Watergate case, your assisting Jeb Magruder in committing perjury" or things of that kind?

Mr. DEAN. It wasn't the nature of that type of conversation so I would not have expected that type of further followup questioning; no, sir.

Mr. DASH. All right. But when the President told you that Bob Haldeman had told or kept him posted, on how you had handled the

Watergate case, he also indicated from your testimony that he appreciated how difficult a task it was. You were asked did you tell the President what you in fact had done, that you had assisted Magruder in committing perjury, that you had assisted in the coverup, that you had limited the FBI investigation or actually gotten CIA involvement. Would it have been realistic in that circumstance if the President said that Bob Haldeman had kept him posted and was congratulating you on how you had handled your job, for you to say, "That is right, Mr. President, you know what you are telling me is and what I want you to know is that I had gotten Mr. Magruder to commit perjury before the grand jury and that I had him limit the FBI investigation, et cetera." Would that be a realistic response of yours in such a meeting?

Mr. DEAN. I don't believe it would be, no.

Mr. DASH. As a matter of fact, when the President told you that Bob Haldeman had kept him posted on how you handled the Watergate case, you knew very well how you had handled the Watergate case, did you not?

Mr. DEAN. That is correct.

Mr. DASH. And in fact, it did involve having Mr. Magruder perjure himself before the committee and other types of things such as payoffs and limiting FBI investigation?

Mr. DEAN. That is correct.

Mr. DASH. And you knew that Bob Haldeman knew that?

Mr. DEAN. That is correct.

Mr. DASH. From your knowledge of Mr. Haldeman's relationship with the President, and you have said that when you were in that Oval Office, you never lied to the President. From your knowledge of Mr. Haldeman's relationship to the President, would it be your opinion that Mr. Haldeman would lie to the President?

Mr. DEAN. It would be to the contrary. I do not think Mr. Haldeman would lie to the President. I do not know of anybody who would walk into the Oval Office and lie to the President.

Mr. DASH. So if Mr. Haldeman had kept the President posted on exactly how you had handled the Watergate case, he would have told the President exactly how you had handled the Watergate case, including the coverup?

Mr. DEAN. That is correct.

Mr. DASH. You told the President, according to your own statement, at that time that you had only been able to contain the case and you could not insure that someday it would not become unraveled; is that not correct?

Mr. DEAN. That is correct.

Mr. DASH. Did the President ask you what you meant by that?

Mr. DEAN. No, he did not.

Mr. DASH. Now, also at that time, you discussed the civil case. Is that not the time you told the President that the lawyers for the Committee To Re-Elect the President had developed an ex parte relationship to influence the judge?

Mr. DEAN. That is correct.

Mr. DASH. And the President, according to your statement, at that time said, that would be helpful?

Mr. DEAN. That is correct.

Mr. DASH. And during the course of that meeting on September 15, you got into the Patman committee hearings.

Mr. DEAN. That is correct, also.

Mr. DASH. Now, on the Patman committee hearings, what was the concern about those hearings?

Mr. DEAN. The concern was twofold. One, it would cause further embarrassment to the White House prior to the election by more headlines about the Watergate. Second, it could result in the Patman investigators stumbling into something that might start unraveling the coverup.

Mr. DASH. Do you have a copy of exhibit No. 34-22, which you have submitted to the committee?

Mr. DEAN. Yes, I do.

Mr. DASH. Now, that exhibit has attached to it a letter or memorandum under the letterhead of the U.S. House of Representatives, Committee of Banking and Currency, and it is from Chairman Wright Patman. There is attached a list of individuals that were subpoenaed before the Patman committee.

Now, was there anything significant in that list of individuals who were going to be subpoenaed before the Patman committee?

Mr. DEAN. Yes, there was.

I might add, Mr. Dash, that the list that was submitted or made public on this date had formerly, the bulk of the list was already in the possession of the White House and the congressional relations staff before this was actually made up.

Mr. DASH. Your name appears on that list on page 2?

Mr. DEAN. That is correct.

Mr. DASH. And Mr. LaRue's name?

Mr. DEAN. That is correct.

Mr. DASH. And a number of the witnesses who have already appeared here and been questioned by the grand jury—McCord, Robert Mardian, John Mitchell, Robert Odle, Herbert Porter, Hugh Sloan, Maurice Stans.

Now, if all those witnesses had been called by the Patman committee at the time those hearings were going to be held and had answered according to the subpoena, what in fact was the concern of the White House?

Mr. DEAN. Well, if those hearings had been held, there is a good chance these hearings would not be held today, because I think that would have unraveled the coverup.

Mr. DASH. What was the instruction that you received with regard to that on that day from the President?

Mr. DEAN. On the 15th?

Mr. DASH. Yes.

Mr. DEAN. After reporting to him who was handling that, he told me to—this was really something that was said to both Mr. Haldeman and myself—that Mr. Timmons should get on top of this matter.

Mr. DASH. Now, I think you have already testified exactly what did occur, and as a matter of fact, those hearings never went forward.

Mr. DEAN. That is correct.

Mr. DASH. Now, after all those events, after the President having told you how Bob Haldeman had kept him posted on your handling

of the Watergate case and that he appreciated how difficult a job that was and your own statement to the President that you had only contained it and that some day it might unravel, and your own statement to the President that in a civil case, an ex parte relationship had been established to influence the judge, and then the discussion on the Patman case—frankly and honestly, Mr. Dean, when you left the President on September 15, did you just have an impression as to his knowledge of the coverup, or did you have a conviction concerning that?

MR. DEAN. Mr. Dash, there was no doubt in my mind that the President was aware of it and I would have to, to use your language, say I had a conviction, or I was convinced.

MR. DASH. Now, Mr. Dean, I do not want to go through the other meetings, because they have been thoroughly gone through. But at the March 13 meeting, which again was a significant meeting, March 13, 1973, you have testified to the discussion about the possible requirement of \$1 million and the President's response to that and the discussion of Executive clemency.

Now, the committee does have in its possession some confirmation from the White House that at least the subject matter of the million dollar discussion did occur, as well as the discussion of Executive clemency. I think we know now that Mr. Fred Buzhardt contacted the committee by phone call and that minority counsel, Mr. Thompson, reduced his notes in the form of a memorandum. Those notes have been reviewed in my office by Mr. Buzhardt and Mr. Garment and with some minor exceptions, which do not relate to this particular reference that I am going to read to you, Mr. Buzhardt and Mr. Garment have informed me in my office that they were not verbatim or detailed, but a roughly accurate memorandum of the conversation. These were submitted to us for use by this committee for the purpose of questioning you at this time. I would like to identify that I am using them for that purpose at this time.

Now, according to the memorandum that Mr. Thompson prepared based on that call, this meeting when the discussion, according to the White House, on the million dollars and Executive clemency took place was March 21 rather than March 13.

MR. DEAN. That is not correct. That is not my recollection. In fact, I am very clear on the fact that it occurred on the 13th, because the meeting on the 21st was a totally different range of topics than the way this rather casually came up on the 13th.

MR. DASH. Regardless of the date, because I am sure there will be disagreement on the date—you have already testified the date this discussion came up—I think it is important, however, that I read to you the reconstruction of this meeting from the point of view of the White House at that meeting and what was said. This is from Mr. Thompson's notes which, as I have indicated, was his putting down what he recalled from the telephone call from Fred Buzhardt, special counsel to the President:

Mr. Dean stated that Hunt was trying to blackmail Ehrlichman about Hunt's prior plumber activities unless he was paid what ultimately might amount to \$1 million. The President said how could it possibly be paid. "What makes you think he would be satisfied with that?," stated it was blackmail, that it was wrong, that it would not work, that the truth could come out anyway. Dean had said that a Cuban group could possibly be used to transfer the payments. Dean said Colson had talked to Hunt about executive clemency.

Now, is that to your recollection, a correct statement of how that conversation took place, or is your statement the correct—

Mr. DEAN. No, sir; my recollection is there was no discussion of the—it appears to me what they have done is take what I did raise on the 21st regarding Mr. Hunt's direct threat of a blackmail nature to John Ehrlichman and confused it with an earlier meeting which occurred on March 13, when the \$1 million conversation came up, and put the two together some way.

Mr. DASH. Now, do you recall the President ever telling you that it was wrong to pay this \$1 million?

Mr. DEAN. To the contrary. He said it would be no problem to raise the \$1 million.

Mr. DASH. Now, also, the next item in this memorandum states that the President spoke to—I think that was—

Mr. Dean spoke to Haldeman's return of the \$350,000. He said that Haldeman and Ehrlichman possibly had no legal guilt with regard to the money matters.

Did you make such a statement?

Mr. DEAN. No, sir.

Mr. DASH. Let me go back again:

Mr. Dean said nothing of his role with regard to the coverup money. He said nothing about his discussions with Magruder helping him prepare for the grand jury. He said nothing of his instructions to Caulfield to offer executive clemency.

Was that true, on the 21st?

Mr. DEAN. I think the contrary is true and I will rely on my statement, Mr. Dash.

Mr. DASH. Now, there is another reference on that meeting on the 21st which we have from this oral communication from the White House. It says "Dean said Colson had talked to Mr. Hunt about executive clemency."

Is that the way you had put it to the President?

Mr. DEAN. No, sir. As I recall, this initially came up on—the 13th was the first time it came up and the second time it came up was on the 15th. I believe I have testified several times to the way that did occur and I respectfully disagree with that interpretation.

Mr. DASH. Well, but, as stated, if in fact Mr. Dean had said that Colson had talked to Hunt about Executive clemency, and there is nothing further in this memorandum, if the President had not authorized Executive clemency, would you have expected the President to have raised a question about that and called upon you or somebody who had authority to have Mr. Colson retract that?

Mr. DEAN. Only the President can promise Executive clemency and Mr. Colson was quite aware of that. I think that the facts are that, in fact, Mr. Colson had talked to the President, who in turn had—then Colson talked to Mr. Bittman, who in turn talked to Mr. Hunt.

Mr. DASH. Well, I just want the record to show that in this submission by the White House to the committee, the reference to the Executive clemency merely shows that Mr. Dean said Colson had talked to Hunt about Executive clemency. There was no reference to any reaction of the President, whether he had said that he had not authorized that and whether in fact, he indicated that whoever had done that, especially Mr. Colson, with Mr. Hunt, that that was to be retracted.

The submission does not have that in it in a reconstruction of the so-called White House call.

Mr. Chairman, I would like to just have this introduced as part of the record, which I have already identified as a memorandum based on a call.

Senator ERVIN. Without objection, it will be so identified and made a part of the record.

[The document referred to was marked exhibit No. 70A.\*]

Senator BAKER. Mr. Chairman, I think that is appropriate to make that a part of the record, but I think its character ought to be understood. This does not, as I understand it, represent a definitive "White House position," but rather are the transcribed notes of a telephone conversation between Mr. Buzhardt, an attorney of the White House, and Mr. Thompson, which were turned over to Mr. Dash and reviewed subsequently by Mr. Garment and Mr. Buzhardt.

Mr. DASH. Yes, and I just want to give their statement as to what they intended to do and that was their reconstruction, having talked to persons who had knowledge of what had occurred in these meetings between the President and Mr. Dean. It was basically a reconstruction given to us for the purpose of use in questioning Mr. Dean.

Senator BAKER. I think that, Mr. Chairman, as I said a moment ago, is appropriate for that purpose at this time. But I caution against, if I may, taking that as a statement of a White House position or a Presidential statement at this time, and I would rather keep the record open on that and see if we can't do a little bit about it.

Mr. DASH. I accept that, Senator, and I only submit it as you limit it.

Senator ERVIN. I will make the same statement about it that I made at the time Mr. Dean was cross-examined about the statement which had come, at least infrequently, from Mr. Buzhardt. This is not evidence, it is a statement of Mr. Buzhardt's position or supposed position as counsel.

[The document referred to was previously entered as exhibit No. 66 in hearing of June 27; see p. 1412.]

Senator ERVIN. Yesterday, Senator Montoya suggested that the committee issue a subpoena for Mr. Buzhardt and I suggested at that time that instead of so doing, we should have inquiry made of Mr. Buzhardt if he claimed to have any personal knowledge of the matters mentioned in his so-called Buzhardt statement. I am informed that Mr. Buzhardt says he has no personal knowledge of those matters.

Mr. DASH. I informed the chairman that I had such a call with Mr. Buzhardt and as to personal knowledge, he referred to both his reconstruction and to the statement that this is something he prepared as counsel, having discussed it with others, or used other information in preparing it.

Now, with regard to your involving Mr. Kalmbach in the raising of funds and in the so-called payoffs to maintain silence of the defendants, I think you were, yesterday, by Senator Gurney in his very thorough cross-examination, examined as to whether or not Mr. Kalmbach really understood from your discussions with him just what he was doing when he was being asked to raise money for the payoffs. You had indicated that you clearly understood that he did understand, because you had fully informed him as to the circumstances.

The question clearly was raised whether or not Mr. Kalmbach could

\*See p. 1794.

have gotten the impression that this was for humanitarian purposes, sort of to raise a defense fund.

Now, first, Mr. Dean, I think you testified that you told Mr. Kalmbach just prior to asking him to undertake this assignment what the circumstances were.

Mr. DEAN. That is correct.

Mr. DASH. Could you just briefly, very briefly, tell us, what did you tell Mr. Kalmbach?

Mr. DEAN. Well, I told him everything that I knew about the case at that time. I told him that I was very concerned that this could lead right to the President. I didn't have any hard facts. I hoped that I was incorrect. I explained to him in full the seriousness of the matter. I relayed to him the fact that some records had been destroyed. I told him virtually everything I knew at that time and I think there was no doubt in his mind about the sensitivity of the situation.

Mr. DASH. As a matter of fact, Mr. Dean, is there anything wrong, for instance, if somebody working for you—and after all, Liddy and McCord did work for the Committee To Re-Elect the President—is there anything wrong if anybody works for you and gets in trouble, about your picking up expenses—defense funds and things like that. Defense funds have been raised.

If that was the attitude of the White House and if that was the attitude of the Committee To Re-Elect the President for Mr. Liddy, Mr. McCord, whoever else they involved, would they not at least have tried to dig up a collection from all those working for the White House and the committee, to raise a defense fund? Isn't that the way you raise defense funds for defendants?

Mr. DEAN. I am not familiar with raising defense funds, but you don't use covert means to raise humanitarian funds.

Mr. DASH. Do you use moneys that have been given to a committee to reelect a President of the United States?

Mr. DEAN. In covert fashion?

Mr. DASH. In raising a defense fund for those who may have been caught in a covert act, do you use campaign funds—

Mr. DEAN. No, you don't.

Mr. DASH. Is that a proper use of funds given in a campaign for re-election of a President?

Mr. DEAN. No, it is not.

Mr. DASH. You spoke of your knowledge of clandestine payments. Can you tell us of your knowledge of the clandestine nature of the way in which these payments were made?

Mr. DEAN. Mr. Kalmbach asked me if I would have Mr. Ulasewicz call him when he returned to California. He said he didn't have his phone number at that time and would like to have him reach him as soon as he got back. In a few subsequent conversations I had with Mr. Kalmbach, he had developed what he called code names for various individuals. I think I referred to these earlier. He called Mr. Hunt the Writer. He called Mr. Haldeman the Brush.

Mr. DASH. Do you know what he called Mrs. Hunt?

Mr. DEAN. The writer's wife, I think, maybe. Something, I don't know.

Mr. DASH. Like who is buried in Grant's Tomb.



Mr. DEAN. I don't really know.

Mr. DASH. Do you know, by the way, whether Mr. Ulasewicz had a code name? Did you know that he was called Mr. Rivers in the conversation with Mr. Kalmbach and Mr. Ulasewicz?

Mr. DEAN. I think I did hear that subsequently from Mr. Kalmbach, that he had referred to him as Mr. Rivers.

Mr. DASH. Now, again, if one were to, on the basis of decency, humanitarianism, whatever way you want to call it, raise a defense fund, would one go about clandestinely using code names of that kind to secretly make these payoffs?

Mr. DEAN. No, sir.

Mr. DASH. I think we will have Mr. Kalmbach here to testify as to that in much more detail.

Now, did Mr. Kalmbach tell you about any of the instructions that he had as the man who was to make these payoffs?

Mr. DEAN. He told me when I met him in Lafayette Park that he was going to meet Mr. Ulasewicz at that point in time and that he was going to have the money laundered. That is the only thing I know about that. He never did tell me exactly how money was laundered. I asked him and he said, I don't know. I don't know if he goes to the race track and exchanges it there or if he's got friends in New York that exchange it; I was never exactly clear on how money was laundered.

Mr. DASH. Did Mr. Kalmbach ever tell you that he had had any discussion with Mr. Ehrlichman concerning this role?

Mr. DEAN. The only time I had heard of any discussion was when—well, Mr. Kalmbach had numerous discussions with Mr. Ehrlichman that I was aware of. Mr. Kalmbach, when he would come into town, would have a list that he would keep in his pocket that he would check off each item with each individual he wanted to talk with. He is a very thorough man. He never told me what he was going over with Mr. Ehrlichman on his list. The only time I had heard about his discussing this at all with Mr. Ehrlichman was after April—or, let's see, March 29 or 30, when they were in California for President Thieu's visit. He said to me he had met with Mr. Ehrlichman that week to discuss the fact that he was concerned that when he appeared before this committee, he didn't want to ever have the name of the contributor come out, the person who had raised this money, and he had had some discussion with him.

What other discussions—I know he had met with Mr. Ehrlichman on countless occasions.

Mr. DASH. Did Mr. Kalmbach ever tell you to your knowledge that Mr. Ehrlichman had indicated that the President had approved these payments?

Mr. DEAN. Did Mr. Kalmbach tell me?

Mr. DASH. Yes.

Mr. DEAN. No, he did not.

Mr. DASH. Did you learn in any other way?

Mr. DEAN. No, not that I recall.

Mr. DASH. In your exhibit No. 34-47, Mr. Dean, you list Mr. Stans. I think you pretty well identified a number of the others and I think it may be interesting to the committee, Mr. Stans having testified be-

fore the committee, why you listed his name. This was a list, to recall it for you, that you put certain markings by those who were lawyers. This was a list of those you thought had problems as far as criminal charges. Why was Mr. Stans put on your list?

Mr. DEAN. Well, this was based on—first of all, you will note on the list I have question marks beside certain people. On some of those people, I knew what I knew, I knew what evidence I had in my mind of their own involvement. I didn't know about Stans, I didn't know how involved he had or had not been. For that reason, I put a question mark beside his name because I hadn't had any direct dealings with him that would indicate it, but there were certain circumstantial situations and I was not sure. So that is why the question marks on some of these.

Mr. DASH. Now, Mr. Dean, just going back very briefly to the testimony concerning the \$15,200 which had been given to you by Mr. Strachan, Mr. Howard and Mr. Strachan, that you put in your safe. And the fact that you had taken from that an amount of about \$4,800—

Mr. DEAN. \$4,850.

Mr. DASH. \$4,850 for your own personal use?

Mr. DEAN. That is correct.

Mr. DASH. I think this has not been brought out in the testimony and I would like to ask you this question.

Can you tell the committee when was the first time you told anybody about your removing \$4,850?

Mr. DEAN. When I first went to my lawyer, sometime shortly after I had gotten through an explanation of all the facts that I knew, I got into this particular problem and raised that with him.

Mr. DASH. Therefore, he was the first one in the world, so to speak, who first learned about your doing that?

Mr. DEAN. That is correct.

Mr. DASH. If you had wanted to conceal that—if you were interested in, using the term that has been used here, embezzle, if you had wanted to conceal your use of that money, could you not just as well, before telling your lawyer about that, have replaced that money and told your lawyer that you had \$15,200 in the safe?

Mr. DEAN. Yes, I could have.

Mr. DASH. Why, then, did you tell your lawyer about it?

Mr. DEAN. Because I thought that would be an untruthful thing to do and I thought I would tell him the facts the way they were. Mr. Dash, I might also add that I asked my lawyer to go to the Government with this information right away, so they knew that.

Mr. DASH. Mr. Dean, I think it is important that we discuss that and the fact that your lawyer and you opened up a trustee account and deposited the full \$15,200, which was the balance left in the safe of the cash plus your own personal check of \$4,850, which you replaced the original check with, so that you made it whole.

Mr. Chairman, I would like to give some photostatic copies we have of that transaction to Mr. Dean if he could identify them for us.

Mr. DEAN. You want me to identify these for the record?

Mr. DASH. Would you, for the record?

Mr. DEAN. This document, dated April 24, is a letter from Mr. Shaffer.

Another document is a check dated April 12, 1973, written out to Mr. Hogan and Mr. Shaffer, trustees, for \$4,850, and signed by myself.

There is a receipt written out by Mr. Shaffer of that amount—no, it is for the full amount, I take that back. I can't even read the writing here. It indicates the full amount.

There is a cashier's check written out for \$10,350.

Mr. DASH. What does that cashier's check represent?

Mr. DEAN. It is drawn on the Suburban Trust Co. It represents the cash that was deposited at that account.

There are signature cards that were prepared with Mr. Hogan being stricken and Mr. McKeever being replaced on that as a trustee as a result of Mr. Hogan having to withdraw from the case for other reasons.

Then there are additional signature cards.

It looks like on the next document, there is a repeat of the earlier document for the Suburban Trust check. The numbers are the same at the top, so we have already identified that check.

Then there is a subsequently issued check when Mr. Hogan withdrew from the case and it was necessary to put Mr. McKeever on a new check so that a new check drawn by me to the order of Mr. Shaffer and Mr. McKeever for \$4,850.

The next appears to be endorsements on the back of these checks; and a signature card.

Mr. DASH. Will you read the letter for the committee, please?

Mr. DEAN. [Reads:]

DEAR GARNETT: Enclosed you will find: (1) client's check dated April 20, 1973, numbered 1647 payable to the order of myself and Mr. McKeever as Trustees in the amount of \$4,850.00 which we have suitably endorsed to the Bank; (2) the Bank's Treasurer's check dated April 19, 1973, in the amount of \$10,350.00 covering the cash I delivered to you for safekeeping on Friday, April 13, 1973, pending the opening of an account; and (3) the two signature cards signed by Mr. Dean, myself and my partner, McKeever.

As you know, when we first discussed opening the account I contemplated that Thomas Hogan, Esquire, would be cotrustee with myself inasmuch as he then also represented Mr. Dean. However, subsequent developments (conflict of interest) have required Mr. Hogan to withdraw from the representation and, accordingly, my partner, McKeever, is acting as cotrustee.

This change also required Mr. Dean to substitute his enclosed check numbered 1647 for his check numbered 1643 originally payable to Mr. Hogan and myself as Trustees. I have had Mr. Dean void the latter check by tearing his signature therefrom and it remains in our files.

Should you be inquired of by competent authorities as to the opening of this account, please tell them all you know, including whatever I have told you.

Thank you for your cooperation in the matter.

Sincerely,

SHAFFER, MCKEEVER & FITZPATRICK.

Mr. DASH. Who is it addressed to?

Mr. DEAN. Garnett Inscoe, Suburban Trust Co., 255 North Washington St., Rockville, Md., April 4, 1973.

Mr. DASH. Mr. Chairman, I would like to have that identified and introduced into the record.

Senator ERVIN. That will be done. The reporter will number it appropriately as an exhibit and receive it into the record as such.

[The document referred to was marked exhibit No. 71.\*]

\*See p. 1801.

Mr. DASH. Mr. Dean, I don't know whether—

Mr. SHAFFER. Mr. Chairman, there is one statement I could make with respect to one of those documents that would clarify what I think would be confusing. I would be glad to do it under oath or off oath, and if any member of your committee objects to me making a statement and you rule that I can't, I won't, but I would like to. It relates to the Suburban Trust treasurer's check. May I make the statement?

Senator ERVIN. Is there any objection from any member of the committee?

[No response.]

Senator ERVIN. Suppose you stand up and I will administer the oath.

Do you swear that the evidence you shall give the Senate Select Committee on Presidential Campaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHAFFER. I do.

### STATEMENT OF CHARLES N. SHAFFER, ESQ., COUNSEL TO JOHN DEAN III

Mr. SHAFFER. Mr. Chairman, after my client had given me the cash and a current check made payable to me and Hogan, and after I had gone to the Government with the currency so that they could look at the—Xerox it, do whatever they wanted with it, I got to the bank. I was carrying it around about a day. I was a little uncomfortable. I got to the bank about 2:05 on a Friday, and it was in April. It was, I believe, in early April. The records will show; the receipt there will date it. And I knocked on Mr. Inscow's window and he came around to the door and he opened it up, because he knows me. My law office is right near the bank. I have a very small account there, and he treats me as a good customer, nevertheless.

I said, Garnett, I have got all this cash, and I don't want to have it over the weekend; will you take it?

So he said, yes, he would take it and he would give me a receipt.

Then on Monday and Tuesday, we were having trouble with Mr. Hogan and his conflict-of-interest problem, and we never got the signature cards back, and finally, Garnett said, "Look, I can't hold this cash around here forever. I am going to give you a treasurer check at the bank so I can then pass the currency through the account." That is how this treasurer's check came into being.

Thank you. If anybody wants to cross-examine me, I will be glad to answer questions.

Senator BAKER. Mr. Shaffer, no, I don't want to cross-examine you, but I can't resist the temptation to let the record note that you claim and continue to stand on and have not waived the attorney-client privilege.

Mr. SHAFFER. Thank you. I appreciate the comment—

Mr. DASH. Mr. Dean, on page 202 of your statement, you state down toward the bottom, "Mr. Mitchell raised the fact that F. Lee Bailey, who had been very helpful in dealing with McCord" had a problem—what are the details, or what to your knowledge was meant by Mr. F. Lee Bailey, who had been helpful in dealing with McCord, from Mr. Mitchell's point?

[Testimony of John W. Dean III, continued.]

Mr. DEAN. Well, I believe I testified to this fact earlier, Mr. Dash. There was one point when Mr. Alch apparently was not having full rapport with his client, Mr. McCord, that an arrangement or discussion was to be had. I testified, I believe I didn't know that in fact that had occurred, in which Mr. Mitchell was going to call Mr. Bailey. Mr. Bailey was going to fly in or call or visit with Mr. McCord and promised Mr. McCord that he would represent his case on April and at that time to the highest court in the land, if necessary. That was what the reference is to.

Mr. DASH. Now, I don't know whether you fully replied to Senator Montoya's question when he asked the question that concerned the President's news conference of August 29, 1972, and the question had been put to the President:

Mr. President, wouldn't it be a good idea for a special prosecutor, even from your standpoint, to be appointed to investigate the contribution situation and also the Watergate case?

The President:

With regard to who is investigating it now, I think it would be well to notice that the FBI is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presenting the matter to the grand jury. The Senate Banking and Currency Committee is conducting an investigation.

Now, can you identify who the President meant, for Senator Montoya, when he was referring to the Senate Banking and Currency Committee also conducting an investigation?

Mr. DEAN. That was a known fact that the Patman committee was—

Mr. DASH. That was the Patman committee?

Mr. DEAN. Yes; correct.

Mr. DASH. And here the President was responding that the Patman committee was making an investigation?

Mr. DEAN. That is correct.

Mr. DASH. But, in fact, when the President was making that statement, was the White House strategy to halt the Patman committee investigation?

Mr. DEAN. It was to try to impede that investigation.

Mr. DASH. Mr. Dean, in your statement, page 101, you state that the lawyers at the reelection committee were hopeful of slowing down the Democratic National Committee suit, as a result of ex parte contacts with the judge. What was the extent and source of your information on the subject?

Mr. DEAN. I first learned of this in a meeting in Mr. Mitchell's office in which I was told that there were some arrangements had been made to have somebody, at that time I did not know who, talk with Judge Richey about the problems the case presented for the reelection committee and potentially for the White House, without getting into specifics with the judge. I later learned and was present when Mr. McFee had a direct discussion with Mr. Michell about this subject, and the fact that he was going to go visit with the judge, and then as late as March 2 of this year, Mr. McFee came to my office—not to my office, he came to have lunch with me at the White House and told me that very weekend he was going to go take up a matter which he said Kenny, referring to Ken Parkinson, had said was an aspect of the case

that he was concerned about, so there were several people, I think, who were aware of this. I think Mr. LaRue was aware of it; I think Mr. Mitchell was aware of it.

Mr. DASH. Did you have personal knowledge of that other than what you had been told?

Mr. DEAN. Only what I was told directly by Mr. McFee, that he, in fact, was going to visit the judge. I was not present at any meetings with the judge; no, sir.

Mr. DASH. Do you know that at a hearing on September 21, 1972, before Judge Charles R. Richey, the judge to whom the case was assigned, that counsel for the plaintiffs, the Democratic National Committee, agreed as a practical matter that the case could not be tried before the election? Did you know that?

Mr. DEAN. I did not follow the civil cases at all to speak of, other than just general awareness; I was probably aware of that at the time, but I do not know—I know there were countless meetings with Judge Richey with all counsel present. In fact, virtually every meeting he had directly relating to the case he would call all counsel and all interested parties. The meetings I am referring to did not involve all counsel.

Mr. DASH. Do you know at the same hearing that the judge ruled that depositions should cease to be taken for the time being on the ground that the taking of depositions might jeopardize the pending criminal case?

Mr. DEAN. I was aware of the fact that about that time that the depositions had been cut off temporarily anyway.

Mr. DASH. Are you personally familiar with any of the other rulings of Judge Richey that were made during the pendency of the Democratic National Committee case that occurred prior to the election?

Mr. DEAN. No, I am not.

Mr. DASH. As a matter of fact, you have no other knowledge, really, of that matter other than what Mr. Parkinson or other lawyers told you about that?

Mr. DEAN. That is correct.

Mr. DASH. Now, you indicated that on April 15, meeting with the President, the President in bringing up the question of the million-dollar discussion, told you that he was joking. When he first mentioned that to you, Mr. Dean, did he indicate in any way that he was joking, or did you understand him to be joking?

Mr. DEAN. No, sir, I did not understand him to be joking. He repeated it twice, and indicated that there would be no problem to raise \$1 million. He looked over at Mr. Haldeman and raised the same matter, and was very confident that \$1 million was nothing to raise at all. When he reraised it on the 15th, when he said he was just joking, I would have to characterize his characterization as being a rather nervous laughter kind of, "I was just joking."

Mr. DASH. I think you testified, and you may have given us information on this, that you believe that April 15 meeting with the President was taped and that you were being asked leading questions. Have you ever asked the White House if you were taped, or any official of the White House?

Mr. DEAN. I raised it with my lawyer, and I do not know whether he raised this with the prosecutors or not, but after I was told that I had been taped—

Mr. DASH. Who told you, Mr. Dean?

Mr. DEAN. My lawyer, Mr. Shaffer, told me, that he had received word from the prosecutors that I had been taped, and I thought there was only one occasion when that could have occurred that I was aware of where I had a direct conversation with the President, because all the circumstances seem to indicate that, and that was on this April 15 meeting. Now, I do not know for a fact whether he was or was not taped, but suggested that the Government might want to listen to that tape because if they listened to that tape, they would have some idea of the dimensions of what was involved.

Mr. DASH. Mr. Dean, I just want to refer to exhibit No. 34-15 and this is the exhibit that has first a memorandum from Mr. Charles Colson to you, reference Howard Hunt. The memorandum itself also includes a short memorandum from W. Richard Howard who, I understand, was Mr. Colson's assistant; am I not correct? Mr. Howard was Mr. Colson's assistant, was he not?

Mr. DEAN. That is correct, yes. I have your exhibit now.

Mr. DASH. All right. On that March 30 memorandum from Mr. Howard on the second paragraph the opening line is "Howard," meaning Howard Hunt, "has been very effective for us." Have you an understanding what he meant by that? It is a memorandum for Bruce Kehrli.

Mr. DEAN. No, I do not. I am not fully familiar other than what some of the things that I recall and I have recalled to this committee that I saw in the files of Mr. Hunt's that related to Mr. Colson, that in fact, he had a close relationship with Mr. Colson.

Mr. DASH. What was your understanding of the "us" in that, "Howard Hunt has been very effective for us."

Mr. DEAN. That would be a reference to Mr. Colson and Mr. Howard and Mr. Colson's general office.

Mr. DASH. Would you look at exhibit No. 34-37? This exhibit dated February 28, 1973, which has the heading "Administratively Confidential," is for Larry Higby and John Dean and is from Jerry Jones. Who is Jerry Jones?

Mr. DEAN. He is the head of the personnel office, and I might add that while this was addressed to me it took me several days to get this memorandum. It did not come directly to me, and I finally got the copy I had after having to make several calls to get the copy so that the memorandum really was not directly to me and I think I did not get an original, rather I got a Xerox.

Mr. DASH. Now the subject matter says what "Options for Jeb Magruder."

Mr. DEAN. That is correct.

Mr. DASH. What was it all about? Why was this memorandum written and what do they mean by options for Jeb Magruder?

Mr. DEAN. Well, it was shortly before this time that Mr. Magruder had been making some statements to Mr. O'Brien which I had in turn relayed to Mr. Haldeman. These statements were to the effect that Mr. Haldeman—that he was aware of Mr. Haldeman's involvement in cer-

tain aspects of the pre-April or pre-June 17 aspects of the Watergate, and he was indicating to Mr. O'Brien that, in fact, it was his understanding that the President might have had knowledge of this.

When I reported this back to Mr. Haldeman, the interest in finding Mr. Magruder a job increased about tenfold, and this is the product of that.

Mr. DASH. Then it would fair to characterize this memorandum as a memorandum to show what could be done for Jeb Magruder to help him out in that case?

Mr. DEAN. That is right.

Mr. DASH. As a matter of fact, let me read to you the opening part of that memorandum which indicates that perhaps some pressure might have to be brought to get him a job. "Listed below are nine possible options for Jeb. Some will break more china to secure than others. Where there are problems I have so noted them." What is your interpretation of "some will break more china than others?"

Mr. DEAN. I do not know exactly. That could mean one of many things, that given, the given head of an agency might have had a various level of tolerance for the White House continuing to place people in their agencies. It could mean that people would want to know about Magruder's awareness which I do not know if Mr. Jones had any awareness that Mr. Magruder had problems, but whether Mr. Higby had related that to them or not, I certainly did not so it is very hard for me to interpret exactly what that phrase means and I think only Mr. Jones can testify what he meant by that.

Mr. DASH. I think it is fair for the record of this committee to clarify here. Is it your testimony that Mr. Jerry Jones, who had been asked to prepare this memorandum and seek out these options, did not himself, of your knowledge, know what Mr. Magruder's problems were or know anything about the Watergate coverup?

Mr. DEAN. Not to my knowledge. In fact, when I was talking about this with Higby before Mr. Jones prepared this, one of the jobs I had heard of after talking with Jeb that he might be interested in was the job that ends up as No. 1, which was the assistant to the Secretary or Deputy Undersecretary of Commerce for Policy Development. And apparently, Mr. Higby related that on to Mr. Jones, No, I do not know when I first heard of that job but I did, when Magruder came by I mentioned I heard of that job and he expressed immediate interest in it.

Mr. DASH. Mr. Dean, you testified you were asked by Mr. MacGregor to tell him the true facts and that you testified that you checked with Mr. Ehrlichman and Ehrlichman said no that you should not tell Mr. MacGregor the true facts. Do you recall what Mr. MacGregor's reaction was when you refused to tell him the true facts or how did you handle that?

Mr. DEAN. Well, what I did was I gave him the most evasive song and dance I could to weave him through the problems he was going to have down there, and I recall that as soon as Mr. MacGregor would have a press conference that people at the White House who hit the ceiling because he would say something that would create more problems than it would solve, and I felt very sorry for Mr. MacGregor because he did not know what he should say and what he should not



say and he had been given a lot of assurances that were assurances he should not have been given, and I think, I am sure I am not the only one he asked for assurances, I am sure he asked others for assurances and was given them, that there was nothing to be concerned about.

Mr. DASH. You have also testified, Mr. Dean, that after the President's August 29 speech, and that is the speech of the so-called Dean report of no White House involvement, that you discussed with Mr. Moore and others the possibility of your becoming a fall guy.

Now, how could you meaningfully discuss it with Mr. Moore without Mr. Moore having the facts? Did Mr. Moore have the facts at that time?

Mr. DEAN. Not at that time. I—it was long after that that I began—I do not recall exactly when, when I first started discussing this, as I recall, I was discussing it with Mr. Fielding, and I thought that if this statement crumbles, I crumble with it. I am a man who is out in front saying that everybody is clean, and this is something I did not exactly want, and that is why I began to talk to people about: Am I being put out in front? I can recall discussing it with Mr. Mitchell at one time, and he assured me, he told me, his answer was, "If you ever see any sign of that please tell me because I will speak directly with the President."

Mr. DASH. Now, Mr. Dean, you testified, of course, quite at length this week, first a full day of statement and then all these days of examination, cross-examination. But I think in the course of your testimony you have made it fairly clear that you have had experience both in the legislative branch and the executive branch and very full experience in this unfortunate occurrence which was the coverup of the Watergate and perhaps some complicity in the Watergate itself.

Now, a major reason for this committee sitting and hearing all these facts certainly is not that of a prosecutor but of a committee of the Senate in order to come forward with legislative recommendations and, especially in this case, recommendations to prevent this kind of thing from ever happening again in this country.

You were a major and key figure in so many intimate parts of this massive coverup and activity which became the Watergate scandal and coverup.

Can you give this committee any recommendation either now in brief, and later in writing to the committee, which can assist this committee in formulating its recommendation to the Congress so that this kind of thing can never happen again in our country?

Mr. DEAN. Mr. Dash, I am quite aware of the fact that the purpose of this committee is legislative, and you are looking for answers to problems and that the man who has been right in the middle of those problems, and right in the middle of the White House for quite a while and has seen the way things have operated down in the executive branch. I have given this considerable thought, and with the permission of the chairman and the committee what I would like to do at some point, because I have made some rather lengthy notes as I have thought about this, over the last several months, as to potential legislative steps that might be taken by this committee under consideration, that I feel might provide some answers to preventing this sort of thing from occurring again and I would like to submit that at a subsequent date to the committee rather than go on to what would be a rather extensive discussion of legislative remedies.

Mr. DASH. Thank you, Mr. Dean. I have no further questions, Mr. Chairman.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Chairman, I might add since the document which I dictated subsequent to my conversation with Mr. Buzhardt has been made part of the record that it was submitted to me with the understanding that it would be made available for committee use. There was no discussion as to exactly how that document or the subsequent document that I might prepare would be used, although there was certainly no limitation in any manner as to how it might be used. I might also add there was no discussion as to the source of the information which Mr. Buzhardt was imparting to me but that it was one lawyer's position to another lawyer.

Mr. Dean, you have testified and referring to your statement on page 144, that you had a meeting with Mr. O'Brien, Mr. Mitchell, and Mr. Alch. Mr. Alch has testified.

Mr. DEAN. Mr. Alch, I never met with Mr. Alch, I am sorry, I am trying to get to that page.

Mr. THOMPSON. I am sorry, you are right, it was a report of the meeting, I will relate the portion I am referring to, "Sometime during this period that as a result of my report of Caulfield meeting with McCord that O'Brien, Mitchell, and Alch discussed having F. Lee Bailey meet with McCord, et cetera." I assume then that discussion was not in your presence either?

Mr. DEAN. That is correct.

Mr. THOMPSON. Do you know Mr. Alch's relationship with either Mr. O'Brien or Mr. Mitchell at that time?

Mr. DEAN. No, I do not.

Mr. THOMPSON. Do you know why he was present at that particular meeting at that time?

Mr. DEAN. It is my understanding that Mr. O'Brien—I am not sure Mr. Mitchell was present. I have not seen the paragraph you are referring to.

Mr. THOMPSON. The first full paragraph.

Mr. DEAN. On page 145 of my testimony?

Mr. THOMPSON. 144. That O'Brien, Mitchell, and Mr. Alch discussed having F. Lee Bailey, I assume that as a discussion, one discussion with all these gentlemen present?

Mr. DEAN. Well, this is what I am referring to here, if you read it, is that there was sometime during this period that as a result of my reports of Caulfield's meetings with McCord, that O'Brien, Mitchell and Alch discussed. That does not indicate a meeting, and I am not aware of any meeting.

Mr. THOMPSON. I see.

Mr. DEAN. It is intercommunication among these individuals that I am referring to, and I was not directly privy to any of these but I had a general understanding that Mr. O'Brien had request contacts with Mr. Alch, and he, in turn, would report back to Mr. Mitchell. I am not aware of any contact between Mr. Mitchell and Mr. Alch.

Mr. THOMPSON. I see. So you assume that your information was from Mr. O'Brien and that he had gotten his information directly from Mr. Alch?

Mr. DEAN. That is correct.

Mr. THOMPSON. That is your assumption.

Let me ask you this: About this \$350,000 of which you received \$15,200, did I understand you to say that you understood that part of this money came from the 1970 congressional campaign?

Mr. DEAN. My understanding was that the money came from the 1968 primaries.

Mr. THOMPSON. 1968 primaries?

Mr. DEAN. That is correct.

Mr. THOMPSON. Do you know what particular route that money traveled in order to get from those primary campaigns to the Committee To Re-Elect?

Mr. DEAN. To the best of my recollection what I was told is that it went to New York during 1968, was kept in safety deposit boxes in New York, it subsequently came from safety deposit boxes in New York to safety deposit boxes in Washington.

Mr. THOMPSON. In whose custody was it in New York?

Mr. DEAN. I believe it was in Mr. Kalmbach's custody in New York but I don't have the actual facts as to who had the actual safety deposit boxes.

Mr. THOMPSON. Would it not be appropriate for that money to have gone to the congressional campaign committee?

Mr. DEAN. The 1968 primary money?

Mr. THOMPSON. Yes.

Mr. DEAN. Mr. Thompson, I was not making any decisions in 1968 about that money.

Mr. THOMPSON. I am not holding you accountable. This is strictly a collateral matter, it is a matter that you wound up with money in your safe or perhaps a part of it, or the Committee To Re-Elect wound up with money that they were using, according to some of the testimony we have had, in paying these defendants.

Mr. DEAN. That is correct.

Mr. THOMPSON. I was wondering for my own information where that money should have gone after the 1968 primaries were over; in whose custody it was.

Mr. DEAN. Well, I gather what the intention was after the 1968 primaries and the 1968 general election that there was, I recall a figure of \$1.9 million being left. Now, I am sure your committee investigators are trying to reconstruct the totality of this cash, and I don't know what happened to all that money. I know Mr. Kalmbach told me what happened to some of it, and some of it was spent for polling that I mentioned earlier today, that some of it was spent for payment to Mr. Wallace's opponent's campaign, and the remainder of it was still surplus money. Now there was other surplus money that came in from the 1970 campaign, congressional campaign effort that apparently was kept separate also is my understanding but, you know, I am not intimately familiar with these details at all.

Mr. THOMPSON. Where did you get your information concerning the money going to Mr. Wallace's opponent?

Mr. DEAN. From Mr. Kalmbach.

Mr. THOMPSON. Mr. Kalmbach told you that?

Mr. DEAN. That is correct.

Mr. THOMPSON. Did he indicate he had personal dealings in that matter?

Mr. DEAN. Yes, he did.

Mr. THOMPSON. What did he say exactly about that?

Mr. DEAN. He indicated to me that he had made a disbursement of the surplus money to a—he didn't give me the mechanics of it, to that purpose.

Mr. THOMPSON. Who was Mr. Wallace's opponent at that time?

Mr. DEAN. I think it was Mr. Brewer, as I recall.

Mr. THOMPSON. Governor Brewer. And he said what, excuse me.

Mr. DEAN. That money had gone to that campaign from these funds.

Mr. THOMPSON. Did he indicate whether there were any intermediaries in that particular transaction?

Mr. DEAN. This discussion was, I guess it was, in late February of this year, in which he was recounting to me generally what had happened to the money he had had in his custody because he was trying to reconstruct in his own mind. Apparently he had no records at this point in time, and he was trying to reconstruct the areas that he could recall as to how the disbursements of the money that had come from New York had traveled. And this is all, I just recall this point sticking in my mind as one of the things he said.

Mr. THOMPSON. Did he indicate that money had gone to any other Democratic candidates?

Mr. DEAN. I am not sure that Mr. Brewer was a Democratic candidate, was he?

Mr. THOMPSON. Well, he was.

Mr. DEAN. Was he a Democratic candidate?

Mr. THOMPSON. He was Governor of Alabama.

Mr. DEAN. Well, I am not familiar with what—I know there was an extensive fundraising effort in the 1970 congressional campaign and the records of those fundraising efforts and the disbursements as well came up in another conversation with another interrogation by the committee. Those records, to the best of my knowledge are still in a safe in Mr. Fielding's custody. They have never been reviewed or read by anybody in my office. They were placed in that safe with those instructions no one was to read them. We were given these records by Mr. Colson, and I, as I recall, Mr. Colson had collected the records from Mr. Gleason, who was also involved in this activity at this time.

Mr. THOMPSON. Mr. Dean, let me leave that and ask you a few questions concerning the \$4,850 which you took from the safe. As I understand it, the reason you took that money instead of using your personal funds was that time in effect had run out on you and you had failed to go to the New York accounts you had, would that be your stock accounts?

Mr. DEAN. That is correct. I had not only forgotten to take care of money matters, I had forgotten to get a—it wasn't I had forgotten, I had gotten too consumed to get wedding music, I had forgotten to get a minister or a judge to handle the proceedings, and it was a general bit of panic there in the final hours, I might say.

Mr. THOMPSON. The chairman presented to you a statement from the Shearson and Hamill Co. of your stock account, I believe yester-

day, do you happen to have a copy of that with you? I have two extra copies here if that would expedite matters any.

Mr. DEAN. No, I don't have a copy, I am sorry.

Mr. THOMPSON. This is a matter of confusion to me, I believe you indicated yesterday that you had a \$26,167 credit.

Is that not—the copy is not clear.

Mr. DEAN. May I say something about these documents? I had a standard practice of not opening these, in fact originally they were not even sent to me, they were sent to my ex-wife's house where they remained and I would collect them in bulk, unopened and take them to my secretary and she would just file them. This is a margin account we are talking about, and I have not a lot of expertise in the market. The arrangements I had with my broker is that he had a total discretion in all handling of all trading. I would sign at the outset of all, I think periodically he would send me a sheet to sign that he would have total discretion for all trades. I have never been able to fully interpret these sheets so that is why I hope somebody else can look at them to do the interpretation when I turn all this information over to the committee.

Mr. THOMPSON. Would it be accurate to say that is a debit instead of a credit?

Mr. DEAN. Well, I don't—I think what it indicates to me is that—it is a credit, I am sure there were at least \$26,000, in fact I am sure there is more than \$26,000 in the account.

Mr. THOMPSON. Could it possibly be that that was a debit but the value of your stock at that time was such that if you sold your stock you would have a \$20-something thousand credit?

Mr. DEAN. Well, I think that if you were to—when your investigators do an entire audit of this entire matter which is of interest to you, that they will find that there were ample funds, including more than \$26,000. I think this indicates merely one transaction that had occurred in this period of time.

Mr. THOMPSON. So you had ample funds there to take care of the honeymoon expenses?

Mr. DEAN. That is correct.

Mr. THOMPSON. I believe you stated that you placed some of the money back at one time and then you took some money out again later?

Mr. DEAN. That is correct.

Mr. THOMPSON. Again you did not go to your stock account although you had, as you say \$20,000 either in stock value or readily available cash whichever that might be.

Was this again because you had forgotten to do that or why didn't you go to the stock account on that occasion?

Mr. DEAN. It was merely a matter of convenience. I had already made some use of the funds, and I merely decided to make more use of them.

[Conferring with counsel.]

Mr. THOMPSON. You received \$15,200 in what, June of 1972?

Mr. DEAN. That is correct.

Mr. THOMPSON. And then you took \$4,850 on October 11 of 1972.

The remaining what, \$10,350, did you ever use any of this money for any other purposes?

Mr. DEAN. The other cash that was in there?

Mr. THOMPSON. Yes.

Mr. DEAN. As I said when I—at one time I recall I put some money back in, and I could have very well at that time commingled other money that I had. I sometimes did carry cash with me, and I have told the committee I will do my best to go through my entire records and reconstruct this, with the committee investigators.

Mr. THOMPSON. Did I understand your testimony in response to Senator Gurney's questions that you took some money out, you don't really know how much, you put some back in and you don't really know how much?

Mr. DEAN. I have not sat down and tried to figure this out, no.

Mr. THOMPSON. So you don't really know how much.

Mr. DEAN. That is correct.

Mr. THOMPSON. How did you know that you owed the fund \$4,850?

Mr. DEAN. Because I had a check in there for that amount and I sat down and recounted it, and double checked that before I turned the money over to my lawyer as well.

Mr. THOMPSON. Do you still have that check incidentally?

Mr. DEAN. Which check?

Mr. THOMPSON. The \$4,850 check placed in the safe.

Mr. DEAN. No; I do not. When my lawyer and I discussed this he told me that we will have to negotiate a new check, an updated check because the old check would not pass with the old date. He said issue me a new check and tear up the old one and get it over to me, which I did.

Mr. THOMPSON. You tore up the check that you placed in the safe?

Mr. DEAN. That is correct.

Mr. THOMPSON. Did you not consider this as possible evidence of your good intentions which you have relayed to us here?

Mr. DEAN. Well, Mr. Thompson, if I was trying to be deceitful I could have very easily written another check to put in but I am not trying to be deceitful, I tore up the first check and I didn't try to pretend there was—

Mr. THOMPSON. Well, I am sure you had a problem—the reason you didn't place the money back, and in telling your attorney, was that you wanted to be completely truthful, but what you had done was realize it might be questionable; based on that statement would it not have been logical for you to have kept that check and say, yes, this is a check I placed in the safe at the very beginning?

Mr. DEAN. If you want to place something sinister on this you can't because it was a very sort of incidental activity. Mr. Shaffer and I didn't really talk at length about it. He wanted to get the information to the prosecutors, he said, "I will also need a new check."

Mr. THOMPSON. An incidental activity at this time when you went to your attorney and explained the situation and, as you have said in your own testimony, you wanted to make sure the truth was out about this matter; you might be questioned about it and you wanted to be truthful about it; you consider this an incidental matter at this time, the only evidence possibly that you had besides your own testimony that you had indeed placed your personal check in there?

Mr. DEAN. I didn't feel it a major matter at that moment I was prepared to reveal it and in fact develop it to the prosecutor.

Mr. THOMPSON. You didn't feel it was necessary to have any documentary evidence to support or bolster your testimony on this particular point then?

Mr. DEAN. No; I was perfectly willing to say everything I knew about the matter.

Mr. THOMPSON. What about a check stub?

Mr. DEAN. I would surmise there is no check stub because I kept, the way my checkbook is composed there are no stubs to the checks, you slide new checks into the book and run the other, the stub section in another area of the book, and I would keep in my desk drawer a nonsequential numbered checks far down the line and when I wrote the check for cash I took one out of my desk drawer because my secretary would keep the sequential checks in her desk, and at the time I don't recall her being in the office when I needed a check and I just wrote one out of my desk drawer.

Mr. THOMPSON. Are you saying you did not stub this check at all? You did not make a stub?

Mr. DEAN. No; I did not make a stub.

Mr. THOMPSON. I believe you previously testified that you stood ready to make good this check at any time. Was it not necessary in keeping a record of your account, did you consider this an obligation which you had covered, so to speak?

Of course, you did not have enough money in your account to cover it. You have already testified that you only had \$1,600 in your account at that time.

Mr. DEAN. In my banking account. I certainly felt I had enough money to cover it through my brokerage account.

Mr. THOMPSON. You had 20 something thousand dollars in your brokerage account?

Mr. DEAN. I had over \$20,000 in my brokerage account at that time.

Mr. THOMPSON. All right. And you took the money out on October 12, 1972?

Mr. DEAN. Yes, sir.

Mr. THOMPSON. And you placed the check in the trustee account when?

Mr. DEAN. I do not recall the exact date the trustee account was set up, because as I say—

Mr. THOMPSON. In April?

Mr. DEAN. Yes, in April.

Mr. THOMPSON. From October 1972 to April 1973, you had this money in your stock account, and you never did take any money out of the stock account and place it in the bank to cover this check?

Mr. DEAN. That is correct.

Mr. THOMPSON. When did you tear up this check?

Mr. DEAN. Shortly after my attorney told me he wanted me to issue a newer check. And he said in a manner that was without, to my knowledge, any sinister thought at all, that, merely issue me a new check and tear up the old check and bring the old one over here—

Mr. THOMPSON. I am not talking about sinister now. Of course, you have a right to do what you want to do with your own checks. There is nothing sinister about—

Mr. DEAN. We had talked about this, Mr. Thompson, after the fact. I wish I had had the check.

Mr. THOMPSON. I certainly do, too.

Mr. DEAN. If I were not perfectly candid with this committee, it would not be very difficult to manufacture another check.

Mr. THOMPSON. I assume you would not do that, Mr. Dean.

Mr. DEAN. I would not do that, no, sir.

Mr. THOMPSON. I do not think we will even discuss possible further perjury or any activity of that nature.

Mr. SHAFFER. I object to the word "further," Mr. Chairman.

Mr. THOMPSON. That objection, if the Chair will allow me to comment on it, is well taken.

But it was your intent and what was in your mind at the time, that puzzles me, Mr. Dean. Under ordinary circumstances, I would say that a man of your dealings, dealing in stock—if I might finish—with personal affairs involving great sums of money, that even in ordinary circumstances, it would be highly unusual for anyone to tear up a check, for any reason. Maybe not. But it would seem that way to me. But under these circumstances, when you knew in your own mind that there might be some question about it, to the extent that you went through these gyrations to set up this trustee account, when you realized there might be some question, that you would destroy the only documentary evidence that might substantiate that testimony.

Mr. DEAN. Well, let me repeat something that I think should be very clear on the record. I at no time thought there was any way in the world that I would not have to account in full for that money. Too many people were aware of it. Mr. Howard was aware that it had come to me. Mr. Strachan was aware that it had come to me. I had told Mr. Fielding that I had it in my possession. I assume that they had possibly told other people about it, the fact that the money had ended up in my safe. The first occasion that it came to my mind, the point where I thought it ought to be revealed to the Government, was after I went to my attorney. I revealed it as it was. We discussed back at that time that after we made the moves to open up the trustee accounts that really, through inadvertence rather than serious thought, I had destroyed the first check based on an accounting that my attorney had made. He said, tear up the first check and issue me a new check; it will be negotiable. Now, that is the way the facts are.

Mr. THOMPSON. Had you already started preparing your statement that you were going to use here today?

Mr. DEAN. No, sir; I was not preparing the statement then. I was trying to go over at that time just my chronology of my knowledge as to the sequence of events. I was having meetings with the prosecutors—some of this was just by, you know, trying to give them the facts as I knew them.

Mr. THOMPSON. Maybe I got the wrong implication or impression a minute ago in response to a question of Mr. Dash. The impression I got was that you were stating, in effect, that you never would have had to return that money, but you came forward and did it anyway because nobody would have known about it, something to that effect. Now you state that, correctly, Mr. Howard knew about it, Mr. Strachan knew about it, you assumed that they had told others about it. So—



Mr. DEAN. What I am saying is not that no one would have ever known I had taken out the money. I could have put the cash back in. That was not my intention. When I, in fact, knew that I had handled that money, I felt I ought to state I had handled that money. I raised it with my lawyer, told him what I had done, and that is the way it occurred.

Mr. THOMPSON. At the time you went to your lawyer, you were, of course, shall we say, estranged from the White House? I believe you said you got a different impression when you got back from Camp David. You said you were not going to play the coverup game any longer and you got a different impression from Mr. Haldeman as to his relationship with you and what he thought about you, that sort of thing. Did it ever occur to you that they might have access to your safe or that they might be talking to Mr. Howard, they might be talking to Mr. Strachan, and they could go to the safe at any time?

Mr. DEAN. At that point, they were on their way to California. There was no problem with that happening.

Mr. THOMPSON. So there were other people in the White House you still assumed were friends at that time?

Mr. DEAN. There was only one person who had a combination to that safe and it would have been an extraordinary act if they had come in at that point when they were still dealing with me and trying to solicit my testimony, as to what it was going to be, for suddenly one night my safe to disappear. So I do not think that that is a fair assumption.

Mr. THOMPSON. Let me ask you about this entire fund. I think this merits some questioning with regard to the remaining money that was there; \$10,350 that you said was not used. So you took \$4,850 because you did not want it to be used in coverup activities or used to perpetuate the coverup.

Let us place this in context with your own situation at that time. Is it not true that on October 11, Mr. Hunt had filed a motion to suppress in the criminal case in which he was involved at that time, alleging in an affidavit as part of its motion that certain documents or certain materials had not been turned over to the authorities when his safe was cleaned out?

Mr. DEAN. I do not recall the date when he had filed that motion, whether it was October 11. I recall there was a motion filed to that effect.

In fact, I recall that we received a letter at the White House, that it was a draft letter by Mr. Bittman to Mr. Colson that I received from Mr. O'Brien indicating the fact that such a motion might be filed and in that letter, the question was raised as to where given items that were in the safe were located. This immediately raised to me the problem of the fact that materials had not gone directly to the FBI, but rather had gone directly to Mr. Gray. So I was aware of the fact that that motion was in the works and was going to be filed.

Mr. THOMPSON. And the basis of that motion was, at least one of the points, as I understand, in the affidavit was that certain materials had not been turned over from his safe, had been withheld, and something had happened to them, is that not correct?

Mr. DEAN. That is correct.

Mr. THOMPSON. All right, and you were one of the ones involved—I believe you said Mr. Ehrlichman told you to see that the safe was cleaned out. You were the one who, I believe, held a suitcase for a while, carried it around in the trunk of your car?

Mr. DEAN. That is correct.

Mr. THOMPSON. You were the one who turned over documents to Mr. Gray?

Mr. DEAN. That is correct.

Mr. THOMPSON. In order that they would not be leaked, I believe you said.

Did you not consider when this motion was filed, when this affidavit was filed, that there was some amount of pressure on you, that you might be called in a hearing in the criminal case in order to explain what might have happened to those documents?

Mr. DEAN. Indeed, I was quite aware when the motion was filed and I was called down to visit with the prosecutors, with the fact that I was going to be called to testify. That is what compelled me to go and tell Mr. Petersen that in fact, the documents had not all been turned over directly to the agents.

Mr. THOMPSON. So you were concerned about that at that time?

Mr. DEAN. I was concerned about what?

Mr. THOMPSON. The fact that this motion had been filed and you knew that you had been actually the one who had, in effect, diverted some of those materials.

Mr. DEAN. Let us understand this. I had been asked to deep six and shred documents.

Mr. THOMPSON. You testified as to that.

Mr. DEAN. I did not want to deep six and shred documents. As far as I was concerned, I had been prepared to testify when my name became known that in Mr. Gray's testimony my name was going to come out.

Mr. THOMPSON. You had been prepared to testify that you had given him certain documents and that they were extremely sensitive and I believe you said you did not tell him that they should never see the light of day.

Mr. DEAN. That is not what I remember. I believe I testified yesterday that I said they were not to be made public.

Mr. THOMPSON. Were you prepared to testify that you carried the suitcase around in your car for a few days to decide whether or not you would deep six it?

Mr. DEAN. If I had been called, that would have come out.

Mr. THOMPSON. Were you interested in testifying truthfully and wanting to do that or in trying to prevent yourself from being placed in a situation where you would have to do that—you did not want to go down there?

Mr. DEAN. Mr. Thompson, you cannot believe the amount of pressure that came on me after the Gray hearings by people not wanting me to testify. It became inevitable that I might have to testify.

Mr. THOMPSON. I am talking about the specific point. I am talking about whether or not, on the day before you took this money out—and, of course, the records speak for themselves—I believe it was October 11 of that year—that the day before you took the money out,

this motion was filed and in your mental condition at the moment, whether it was a matter of great concern to you?

Mr. DEAN. I would not testify it was a matter of great concern; no, sir.

Mr. THOMPSON. Would you carry a suitcase around with documents in it—

Mr. DEAN. That was a long way off and let me tell you the intervening events. After the letter came to my attention before the motion was filed, I had conversations with Mr. O'Brien about this. I told him that if the motion were filed by Mr. Bittman that a lot of problems might be created for the White House.

Mr. THOMPSON. When was this conversation?

Mr. DEAN. Well, it was well in advance of the filing of the motion.

Mr. THOMPSON. Was it well after October—before the motion was filed?

Mr. DEAN. Yes, it was.

Mr. THOMPSON. And what was the substance of the conversation?

Mr. DEAN. I told him that it would create real problems for the White House if it was. I didn't get explicit with him.

Mr. THOMPSON. And possibly problems for you, would it not? It would be at least embarrassing, would it not, that you were trying to decide whether or not to deep six those materials?

Mr. DEAN. Well, it was not, you know, embarrassment to me in the sense that it might have embarrassed others more seriously and it would have unraveled the coverup, if that is what you are saying; yes.

Mr. THOMPSON. You were only concerned not to embarrass others and not yourself?

Mr. DEAN. No, sir; I am saying I was concerned that it might start unraveling the coverup.

Mr. THOMPSON. Did you ever give Mr. LaRue any money for him to distribute to defendants?

Mr. DEAN. Directly?

Mr. THOMPSON. Yes, sir.

Mr. DEAN. No, sir.

Mr. THOMPSON. Was any money ever passed in your office when Mr. LaRue and Mr. Kalmbach were present to give to defendants in order to keep them silent?

Mr. DEAN. That is possible. I don't recall. It could have happened when Mr. LaRue and Mr. Kalmbach met for Mr. LaRue to get his instructions regarding or Mr. Kalmbach got the instructions from Mr. LaRue as to the disposition of the money.

Mr. THOMPSON. Did Mr. Kalmbach ever come in and in effect, make an accounting of the money he had received and the money he had disbursed when he had some notes in his hand? Do you recall that, in your office?

Mr. DEAN. I recall that he told me that he had destroyed the copy of the distribution, but he said that he had taken care of it and there may have been some sort of accounting. I don't recall it precisely. It was not something we talked about with great frequency.

Mr. THOMPSON. Did you ever burn notes Mr. Kalmbach had had concerning his distribution?

Mr. DEAN. Oh, yes; I did. Mr. Kalmbach gave me a small slip of paper. He was burning it and I gave him my ash tray and it was placed in my ash tray on my desk and burned up, one of these little notepads I think I testified to in my earlier testimony, where he had transcribed larger notes into smaller notes and it was burned up in an ash tray in my office. I do recall that; yes.

Mr. THOMPSON. When did that occur?

Mr. DEAN. Sometime after the delivery, I gather, had been made.

Mr. THOMPSON. Was anyone else present besides you and Mr. Kalmbach?

Mr. DEAN. No; there was not.

Mr. THOMPSON. As to whether or not you in fact told Mr. Kalmbach that you wanted Ulasewicz to be the one to distribute this money?

Mr. DEAN. I did not tell Mr. Kalmbach. Mr. Kalmbach requested Mr. Ulasewicz' number from me because he told me he was the only one he would trust to do the job.

Mr. THOMPSON. Did you know who Ulasewicz was?

Mr. DEAN. Indeed I did. I knew that from the time that Mr. Caulfield had been put on my staff; shortly thereafter, I learned that he had done countless assignments for Mr. Caulfield and Mr. Caulfield had regaled me at times with Mr. Ulasewicz ability.

Mr. THOMPSON. Getting back to the money in a different light, and I hope my pursuit is not being completely irrelevant. I am concerned with that fund and the possibility of whether or not there might have been distributions of that fund other than the one you have related to us. As I understand your statement, the reason you took the \$4,850 primarily was to cover the expenses that you would incur on your honeymoon. Is that correct?

Mr. DEAN. That was the original purpose, but as I have, I think, told the committee, I later used it for personal expenditures.

Mr. THOMPSON. But that was the original purpose?

Mr. DEAN. That was the original purpose; that is correct.

Mr. THOMPSON. And you were questioned, I believe, as to why it would take that much money for a honeymoon. I believe your statement is that you planned to spend several weeks on your honeymoon.

Mr. DEAN. I had hoped to spend about 10 days to 2 weeks in Florida if I could get it. I didn't know if I could get it.

Mr. THOMPSON. 10 days to 2 weeks?

Mr. DEAN. I didn't know how long I was going to stay. I was going to fight off the office as long as I could. I hadn't had a break in some time.

Mr. THOMPSON. You testified on more than one occasion that you were very careful in making your statement, that you went over your statement in detail. Now the 10 days, this is the first time I have heard of the 10 days.

Mr. DEAN. No, sir; if you will check the transcript, that also came out in the questioning at one point.

Mr. THOMPSON. That you have testified?

Mr. DEAN. Yes.

Mr. THOMPSON. If I am in error, I will apologize. I am going back to your prepared transcript, your prepared statement, where you say on page 116:

On Friday, the 13th, I had left Washington to go to Florida to spend several weeks on a honeymoon. I was abruptly called back on the 15th, after 2 days.

Mr. DEAN. That is correct.

Mr. THOMPSON. I assume it was your intention when you left here to spend several weeks——

Mr. DEAN. That was my——

Mr. THOMPSON. If possible?

Mr. DEAN. Yes.

Mr. THOMPSON. What were your campaign duties, Mr. Dean?

Mr. DEAN. I don't know what you mean by campaign duties.

Mr. THOMPSON. You were counselor to the President, and I believe you mentioned in the past, that Mr. Haldeman in effect related what your duties would be during the campaign. I assumed you would have a slightly different role, perhaps, during a campaign than you would in a nonpolitical year?

Mr. DEAN. That is right. I certainly was not involved in any political aspects. I would say the basic thing, a number of filings required by the President required research of the State laws to define and describe exactly what the President himself would have to sign as a candidate for the Office of President of the United States. These could not be handled by the reelection committee. They would require a notarized Presidential signature. The President was traveling around the country from time to time, we would have to send them with a military aide. We would have to be not only aware of what the 50 States required, we would have to be aware of when they required it. That was probably the most consuming of the campaign activities.

I would say that my largest campaign activity was the coverup of the Watergate.

Mr. THOMPSON. Let me ask you if this would be correct and I am reading from page 28 of the transcript of our executive session.

My principal area of concern would be that the White House itself would stay in full compliance with election laws. And I can say from that point on, we didn't miss one thing regarding the election laws themselves, which was a rather voluminous and time-consuming task because as the candidate, the President had a lot of filings that required his signature itself and were handled in the White House.

Mr. DEAN. I think that is saying in another way what I have just said.

Mr. THOMPSON. You left on October what, 13th?

Mr. DEAN. That is correct.

Mr. THOMPSON. Well, several weeks would have had you returning after the election——

Mr. DEAN. That is correct.

Mr. THOMPSON. Would not that have presented a little problem for you, considering there was a required filing on the 15th, 6 days next preceding the election?

Mr. DEAN. At that time, we had a routine system set up for filing. Mr. Wilson had devised a calendar with all the check dates. There was not a daily filing period. I can't recall any particular filing period in that time, there may have been. I don't have the calendar in front of me. These would be forwarded by that time routinely to the President for signature. He was used to them by that time. He would sign them,

they would come back notarized and he would forward them back to the appropriate State requiring it.

In fact, I would say the weeks preceding the election were some of the slowest weeks during my time at the White House.

Mr. THOMPSON. Was it slow in terms of campaign contributions that were coming in?

Mr. DEAN. We didn't receive campaign contributions at the White House.

Mr. THOMPSON. Were you ever called upon to interpret the propriety of accepting such campaign contributions, foreign contributions, anything of that nature?

Mr. DEAN. Yes; that periodically, came up, yes, indeed.

Mr. THOMPSON. But you were going to go on a honeymoon, from which you would not return, if you had your preference, until after the election?

Mr. DEAN. Let me explain when I went to Florida, what the situation is in Florida. There are two villas that are set aside for White House staff. I had to retain that privately rather than take it at Government expense, obviously, being on a honeymoon. That runs \$100 a day.

I also did that because when I am in Florida, you have the entire signal telephone system. As I think my wife can attest, while I was at the White House, there was virtually no time that I was out of contact with the remainder of the staff at any time. And as you well know, you can conduct business by telephone and get staff doing things as easily as you being present in the office, and that is how, often, you operate in the office.

I also had a very trusted deputy who could handle things in my absence and if he had a judgment he wanted my attention drawn to, I certainly was available for him to call and reflect on that judgment.

Mr. THOMPSON. So then you were planning to be gone for several weeks?

Mr. DEAN. I had hoped to. That had been our intention; yes.

Mr. THOMPSON. That was your intention. Did you know anyone when you were working at the White House, have contact with anyone whose first name is Jane?

Mr. DEAN. Did I know anybody at the White House by the name of Jane?

Mr. THOMPSON. Yes.

Mr. DEAN. I know several—

Mr. THOMPSON. Start closest to you, if you would.

Mr. DEAN. Yes; I have a secretary by the name of Jane Thomas.

Mr. THOMPSON. That is the name, I think, that I am interested in. If I am not, we will go back to it.

Do you have a travel office or did you have a travel office at the White House that sometimes made accommodations for you for the trips that you would take?

Mr. DEAN. Yes; I generally had my secretary make travel accommodations through the travel office.

Mr. THOMPSON. Do you recall whether or not you had Jane Thomas make travel accommodations for this particular honeymoon trip?

Mr. DEAN. I do not have the foggiest recollection.

Mr. THOMPSON. There is a document here, Mr. Dean, that I would like to present to you for your examination. It is entitled "Request for Transportation." If I might read it as it is being presented to you. Dated October 11, "Contact, Jane. Traveler, Mr. and Mrs. John Dean. Extension 241, from D.C. to Miami, two seats. Carrier, Eastern Airlines, Flight 185. Date, October 14."

You went down, I assume you returned. "National Airlines, Flight 102, October 18. Payment, American Express. Fare, \$336." The word "tickets" is stamped across it.

First of all, is this a form that is used by the travel office?

Mr. DEAN. I have no idea. I have never seen the form before and I have no idea if in fact that was paid for by American Express. I think that is something that will have to be checked as the auditors go back through my records.

Mr. THOMPSON. I agree with you.

If there is any question about it, obviously, the person in charge of these documents, the person in custody of these documents will be brought down here and placed under oath to explain these documents in full. It is my understanding that since your testimony has begun pursuant to committee request, this document has been furnished by the travel office. It does indicate to me that the request was made on October 11, 1972, by someone named Jane for a flight leaving on the 14th to return on the 18th, a trip of 4 days.

Do you have any further comment on it, Mr. Dean?

Mr. DEAN. Well, as I said, it was my intention to go down there and spend 2 weeks.

Mr. THOMPSON. Two weeks or several weeks?

Mr. DEAN. Several weeks.

I very frequently, and you can check my other travel records, when I went places, I took the immediate turnaround ticket for the hold purpose and often stayed beyond that date. A bird in the hand, in traveling back and forth through main routes, is something I always felt was wise to do. I think if you will check my records in the travel office, you will find I did that on other occasions.

Mr. THOMPSON. So you are stating that this document could be correct and you could have requested your secretary to make accommodations for you to return on the 18th after 4 days?

Mr. DEAN. It is my recollection I did not pay for that by American Express, as a matter of fact. Often, when my secretary would go down and set something like this up, a subsequent phone call would change an arrangement, or something like that. I think you can check that also.

Mr. THOMPSON. I thought you just testified you did not know whether or not your secretary had made a request for this particular honeymoon trip or not.

Mr. DEAN. I am saying that the name "Jane" here would indicate to me that she had.

Mr. THOMPSON. You just said that you did not recall whether or not this was paid for by American Express.

Mr. DEAN. That is the reason I say that. I recall that there was not time to pay for it by American Express and I had to go to the airport and pick the tickets up at the "will call," so I had the tickets in hand. The White House could not process the tickets fast enough. I think if

you will check the records, you will find out that is what happened.

Mr. THOMPSON. The White House could not process the tickets fast enough?

Mr. DEAN. That is correct.

Mr. THOMPSON. Would that indicate that you did make a request through the travel office of the White House?

Mr. DEAN. As I say, I generally made all the requests through the travel office—through my secretary, I mean. I asked her to arrange them. There were occasions when she went directly to outside lines and made my travel requests as well.

Mr. THOMPSON. Did you subsequently get to Miami to spend a few more days on your honeymoon?

Mr. DEAN. As I recall, we made several trips to Miami to try to have a honeymoon and were called back.

Mr. THOMPSON. Did you leave for Miami on October 20, if you recall?

Mr. DEAN. That is very possible. As I told you when we started this line of questioning, I have not sat down and tried to reconstruct this. I am perfectly willing to reconstruct it for the committee and turn it all over to the committee for the committee's use. I just have not entered this area of reconstruction and I am sure—

Mr. THOMPSON. You will not test your memory on these particular points, is that what you are saying?

Mr. DEAN. I think I would like to have the opportunity to check my own calendar, particularly my wife, who does keep a calendar of these types of events. It would be very helpful in reconstructing this for the committee.

Mr. THOMPSON. I have a document here that I would like to present to you, which is a similar document indicating a request, the contact being Mr. Dean this time, dated October 19, 1972, for flight to Miami on October 20, to return October 23. There are several markings down here. Evidently, there was some confusion as to the airlines. That is the only thing I can tell.

Mr. DEAN. No; this probably indicates, as I recall—it is 10-18—that they could not find a flight, they tried to get a flight, they could not find a flight and they had me on the wait list. I see there is a wait list indication down here—W.L. I assume, is wait list. The only thing I can assume is that this is some sort of form that the travel office uses which I have never seen before, so I cannot explain it.

Mr. THOMPSON. But you do remember the occasion, you do remember the trip?

Mr. DEAN. On the 19th?

Mr. THOMPSON. You would have been leaving on the 20th, I believe, Mr. Dean.

Mr. DEAN. On the 20th—that is correct.

Mr. THOMPSON. And returned on the 23d?

Mr. DEAN. That is correct.

Mr. THOMPSON. Were you called back—

Mr. DEAN. Do I recall that? As I say, I recall several efforts to get to Florida but not with success.

Mr. THOMPSON. What I asked you, and I think you misunderstood me, was were you called back on the 23d?



Mr. DEAN. Yes; I have testified that after I got to Florida, I was virtually on the phone the whole time and suddenly was called back, to come back on Sunday. I went to this meeting in the Roosevelt room which I have described in my testimony and turned around again as soon as I thought I could get off to Florida again and tried to get to Florida again. This must be the trip that evidences that. I would assume that indicates that trip.

Mr. THOMPSON. All right. Mr. Dean, my point again is as to the significance of the points I have been going over. I know they might seem rather minute in comparison with Presidential involvement, but I think when you state in your statement that you planned several weeks and if one wanted to put a theory afloat that possibly you were trying to seek to justify your taking this money out for some reason other than you have given us today, that is, an extended honeymoon trip, that this would be very relevant.

Mr. Chairman, I would like to either have these marked for identification or made part of the record. I would suggest and hope that we would get the proper people in charge of the custody of these documents to come down here and verify them for us.

Mr. DEAN. As I indicated to the committee, I am perfectly willing to provide all my materials, all my records, and this can be gone over in the greatest detail the committee wishes.

Mr. THOMPSON. That will be done, Mr. Dean. Thank you.

Senator ERVIN. Let the documents be appropriately numbered by the reporter.

[The documents referred to were marked exhibits Nos. 72 and 73.\*]

Mr. SHAFFER. Mr. Chairman, I would like to make a request of the Chair, and I think Mr. Thompson ought to be aware of something that I do not think he is aware of. That is that in the committee's files, there is a Xerox copy of all the currency that Mr. Dean transmitted to me and that I transmitted to the bank before that currency cleared. That was made in my office by me to my secretary, who is in this room, and I still consider myself under oath, and turned over to this committee voluntarily and not pursuant to a subpoena. So by looking at the serial numbers on that currency, you can establish whether or not more than \$4,850 was taken out and some other currency put back. Because my recollection of that currency is the serial numbers, while from the first bill to the last are not in sequential order, there are a series of sequential numbers that meant something to the prosecutors.

With reluctance, I also would like to say that when Mr. Dean first spoke to me about the cash and his check, the cash and the check were not then open to view. I have never seen this missing check, we never discussed destruction of the missing check with the committee before. On the next day, when I had decided what we were going to do with the check and the documents, I said, I will need a currently dated check—he had told me the one was old—and the currency, which he provided me at another location. I am sorry as an officer of the court, and also analogously as an officer of this committee, that we do not have here today for you that check and I assure each and every one of you under oath that there was no intention on my part or Mr. Dean's to destroy that document and keep it from you.

Thank you.

\*See pp. 1808 and 1809.

Mr. THOMPSON. We might just put one question——

Mr. DASH. I think it should go on the record that it is true that we did receive the photostatic copies of currency and Mr. Thompson does know about it, because I have shown him that file.

Mr. SHAFFER. I am sorry. I did not know whether he knew about it or not.

Mr. THOMPSON. I received some of these documents belatedly and much later than Mr. Dash, quite frankly.

Mr. SHAFFER. I have no problem with it.

Senator ERVIN. If I could ask a question or so here, I might shorten some of this.

Mr. Dean, did anybody know that you had taken out the \$4,850 out of this money except yourself?

Mr. DEAN. No, sir, they did not.

Senator ERVIN. If you had wanted to deceive anybody about it, what would have prevented you from getting \$4,850 and replacing it?

Mr. DEAN. Nothing.

Senator ERVIN. And the first man that knew that you had used the \$4,850 was your lawyer?

Mr. DEAN. That is correct, and I told him that I wanted to reveal that fact to the Government also.

Senator ERVIN. And your lawyer advised you to issue a new check. Did he give as a reason the fact that banks sometimes refuse to cash checks unless they are presented within a reasonable time after they are dated?

Mr. DEAN. That is precisely the reason he gave me.

Mr. SHAFFER. I object to that. The reason I gave him was that he told me the check was made to cash and it had to be made to me and Hogan as Trustees.

Mr. DEAN. You said also that it had to be a current check.

Mr. SHAFFER. Well, all right. You remember that.

Senator ERVIN. If you had had the desire to deceive anybody, all you would have had to do was get the \$4,850 in cash and taken and added the money to the balance that you had in the safe.

Mr. DEAN. That is correct, Mr. Chairman.

Senator ERVIN. But the first man you told that you had used the money was Mr. Shaffer?

Mr. DEAN. That is correct.

Senator ERVIN. Instead of concealing the transaction by restoring the cash, you gave him a check paid to him and he deposited it in a trust account?

Mr. DEAN. That is correct.

Senator ERVIN. Together with the other money?

Mr. DEAN. That is correct.

Senator ERVIN. Making the amount of money the total amount that was originally delivered to you?

Mr. DEAN. That is correct. I was quite aware of the fact that obviously, this is a great personal embarrassment and a rather unwise move, but I didn't want to hide the facts from this committee on what I had done.

Mr. THOMPSON. Mr. Dean, if I might ask you one more question with regard to the checking account on which you drew this check; you drew the check on April 12, would that be correct?

Mr. DEAN. I believe there were two checks. I don't have those records in front of me now.

Mr. THOMPSON. I have here in your bank account an indication that April 12 was the first day for some time, evidently, that you had enough money in your checking account for this check to clear?

Mr. DEAN. When I realized it, I called him and had my broker send down the amount of money necessary to cover the check.

Mr. THOMPSON. You were not advised by anyone that it would either be wise or the thing to do with regard to the destruction of your check, is that correct?

You did that of your own volition?

Mr. DEAN. As I say, I told——

Mr. THOMPSON. I am sorry, Mr. Dean, you can explain in as great detail as you would like.

Mr. DEAN. No, no one told me it would be wise or——

Mr. THOMPSON. All right.

That is all.

Senator ERVIN. Any other questions of any members of this committee?

[No response.]

Senator ERVIN. Mr. Dean, the committee has a rule that a witness can make a closing statement. We will afford you that opportunity just as we afforded it to other witnesses.

Senator BAKER. Let me do this first, Mr. Chairman. It might be that Mr. Dean would want to comment on it before he makes his closing statement.

Senator ERVIN. OK, fine.

Senator BAKER. I indicated earlier in the hearings that Congressman Garry Brown had written a letter to the committee and was preparing to submit a sworn statement. I did not at that time have in hand the letter from Congressman Brown. It had been inadvertently misplaced. I now have a copy and if there is no objection, Mr. Chairman, I'll read it.

Also, if there is no objection, we will receive the statement under oath of Mr. Brown as to the letter.

Dear Mr. Chairman:

Late yesterday afternoon upon learning of the statement given to your committee by John W. Dean, III in which he implicated me and members of the Banking and Currency Committee in what he has alleged was a "coverup" of the Watergate matter and other improper conduct, I immediately dictated a letter to you demanding that I be given an opportunity to appear before your committee and respond to, deny, and rebut Mr. Dean's allegations.

I might depart from the letter to say that the chairman and I have indicated to Mr. Brown that we would be happy to have this letter as part of the record, his statement as part of the record. If he still wished to testify, of course, we would provide him that opportunity.

Mr. DEAN. Mr. Vice Chairman, I wonder if I might comment on something? I think that in my testimony, I have explained that often, what was happening at the White House was one motive. The person on the other end wasn't always aware of that motive and I don't mean to impute to other people, the fact that one person had one desire, the same motive to the other person, who was doing a normal, what they thought was a helpful thing to the White House in a general election

year and not understanding the implications of all the facts and circumstances.

Senator BAKER. Thank you, Mr. Dean.

I am aware of that situation, and what I would really like to do is read this letter now so that before you conclude your testimony and make your closing statement, if you choose to do that you would have an opportunity to comment on that as well.

To continue with the letter, the second paragraph:

Before I had an opportunity to get the letter off to you, I was pleased to be contacted by a member of your committee's majority staff who indicated an interest in talking with me relative to the allegations set forth and involving me in Dean's statement. I met with your Mr. Dorsen and Mr. Parr and believe that this conference was mutually beneficial. I thank you for providing me with this opportunity to at least apprise your committee staff of my position relative to Dean's charges.

Although I think I have satisfied your Committee staff members that Dean had no factual justification to link the House Banking and Currency Committee action with what he has testified were White House coverup activities, his irresponsible or false statements with respect thereto have caused me and other members of the Banking and Currency Committee grave harm. Without equivocation, I can state it was not known to me nor to any other member of the Committee, to my knowledge, that our opposition to the granting of subpoena power to Chairman Patman was in any way, nor could be claimed to be in any way, a part of the coverup about which Mr. Dean is testifying.

I, personally, vehemently deny the truth of Mr. Dean's statement that my letter of September 8, 1972 to the Attorney General was 'in fact, drafted by Parkinson for Congressman Brown.' This is an untrue statement, the letter having been dictated by me and having contained my work product.

Although I am preparing a chronological statement of my whole participation in the successful effort to deny Chairman Patman subpoena power in October of last year, the mere filing of such a statement with your Committee and even the giving of the same to the media will not counteract and repudiate the publicity given to Mr. Dean's testimony.

I, therefore, respectfully request and insist that I be given an opportunity to appear before your Committee and respond to the allegations made by Mr. Dean. The granting of this request, Mr. Chairman, is the least your Committee should do, it seems to me, to attempt to correct the unwarranted and unjustified damage that has been done. Your prompt and favorable response to this request will be greatly appreciated.

Signed GARRY BROWN, Congress.

Mr. Chairman, I reiterate this letter has been accepted for the record and is being read now for the record at the request of Congressman Brown.

Mr. DEAN. Yes, and I might just say—

Senator BAKER. Mr. Dean, I wanted to read it now in an abundance of fairness both to Congressman Brown and to you, so you can make any further comment.

Now, on the question, on the request that Mr. Brown makes, as I stated earlier, the chairman and I have discussed this matter and clearly if Mr. Brown wants to testify as a Member of Congress he is entitled to do that but by the same token, we understand that he is submitting a sworn statement\* as an addendum to this letter and I would propose, Mr. Chairman, that we take under advisement the matter of whether any further testimony should be received or not.

Mr. DEAN. I might just add on, with regard to Mr. Brown, Congressman Brown's letter, this is in the area of hearsay, of course, that I had heard that the letter by Mr. Parkinson was, Mr. Parkinson assisted Mr. Brown in preparing the letter for the Attorney General.

\*Not received at time of publication.

Mr. Chairman, just to close, and I will be very brief, I have sought to provide this committee—

Senator ERVIN. One question on this.

Mr. DEAN. Certainly.

Senator ERVIN. You stated that there was an attempt at the White House and the Committee To Re-Elect the President, to prevent the Patman committee from investigating that?

Mr. DEAN. That is correct, Mr. Chairman.

Senator ERVIN. And the Patman committee did, at least a majority of them did refuse to investigate it?

Mr. DEAN. That is correct.

Senator ERVIN. So regardless of motives, it had the same effect as what the White House and the committee were trying to do?

Mr. DEAN. That is correct.

Senator ERVIN. But of course a Congressman has got a perfect right to vote his own convictions. That is his function.

Mr. DEAN. I have sought to provide this information with all the facts and information that I know regarding this matter, to answer all of the questions that have been asked of me, and to hide nothing of my own involvement in this matter, and provide the truth as I know it.

This has been most difficult for me because I have had to speak against the President of the United States, some of my friends, and some of my former colleagues. I attempted to end this coverup initially from working within the White House, and when that didn't work, I took it upon myself to work from without, and I earnestly pray that this committee reaches the truth in this entire matter and reaches it as quickly as possible because I think there is a terrible cloud over this Government that must be removed so that we can have effective government and I thank the committee for the many courtesies that they have provided me in assisting me to get to and from the hearing room and providing me available space during the breaks and the recesses and thoughtfulness of the staff in that regard.

Senator ERVIN. Without expressing any opinion about your testimony or the way of your testimony, I do think that you do deserve the thanks of the committee for the extreme patience which you have exhibited. It has been quite a trial, a trying time to you and also on the committee because I think this is our fifth day on your testimony, and it is a very long time. Are there any other comments?

Senator BAKER. Mr. Chairman, I would only associate myself with your remarks and express, I believe, the appreciation of the committee for Mr. Dean's patience and rather prolonged testimony. It's obviously not an easy task to testify on matters of this importance and delicacy, and I think Mr. Dean has provided us with a great deal of information and will—which will serve as a basis for the ongoing inquiry of this committee and we thank him for it.

Senator ERVIN. It might be at some later stage of the investigation the committee may want to recall you.

Mr. DEAN. I understand, Mr. Chairman.

Senator ERVIN. I understand you will be willing to return on proper notice under the same subpoena.

Mr. McCANDLESS. Mr. Chairman, a matter of procedure that perhaps you could give us some help with. In the last 2 or 3 hours

we have had many requests from the media who have been so patient and who have been sitting through this, to have an interview with Mr. and Mrs. Dean as they leave here. You understand, of course, that we cannot provide those interviews for some legal reasons, and for the basic reason, 5 days, that they are exhausted. We ask their leave and their understanding and yours that we are going to leave the building immediately after this.

Senator ERVIN. I would think, since Mr. Dean has testified under an order of immunity, and testified involuntarily, I would think that his counsel would be wise to give him the same advice that I used to give my clients and that is to keep his mouth shut. [Laughter.]

The committee will stand in adjournment until Tuesday, July 10, at 10 o'clock.

[Whereupon, at 5:45 p.m., the hearing was recessed to reconvene at 10 a.m., Tuesday, July 10, 1973.]

**TUESDAY, JULY 10, 1973**

**U.S. SENATE,  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES,  
*Washington, D.C.***

The Select Committee met, pursuant to recess, at 10 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr., chairman.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; John Walz, publications clerk.

Senator BAKER [presiding]. The committee will come to order. Because of the death in the family of the chairman he has not yet returned to Washington and we expect the chairman to be back momentarily but I have been requested by his office to open the hearings and to commence the proceedings.

The first witness today is Mr. John Mitchell. Mr. Mitchell, if you will stand up I will administer the oath. Mr. Mitchell do you swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MITCHELL. I do, so help me God.

Senator BAKER. Be seated.

Mr. Mitchell, do you have any preliminary statement that you care to make at this point?

**TESTIMONY OF JOHN N. MITCHELL, ACCOMPANIED BY WILLIAM G. HUNDLEY, PLATO C. CACHERIS, AND MARVIN SEGAL, COUNSELS**

Mr. MITCHELL. I think counsel has a brief statement he would like to make, Mr. Vice Chairman.

Senator BAKER. Thank you.

Mr. HUNDLEY. Mr. Vice Chairman, my name is Mr. Hundley. I would like the record to reflect that by letter of June 18, 1973, and

again by letter of July 9, 1973, I formally requested this committee to withdraw its subpoena compelling Mr. Mitchell to testify for the reasons stated therein, and that the committee has rejected his petition. I would like the committee to express on the record that it would adjudge Mr. Mitchell in contempt if he did refuse to testify so that we can protect our legal position.

Senator BAKER. Thank you very much. The letter to which you refer was duly received by the committee, and at an executive session on June 26, 1973, the request was denied. As a result, Mr. Mitchell is here before the committee pursuant to a lawful subpoena of the committee compelling him to appear and testify. The record should indicate that we took account of his request, that we denied the request, that he is not here voluntarily, that he is here by subpoena, that in the view of the committee he has not waived any rights which may inure to him by reason of his testimony and by reason of his appearance before this committee.

Mr. HUNDLEY. Thank you very much, Mr. Vice Chairman. Since it is our position that our appearance is not voluntary but strictly due to compulsion, I have advised Mr. Mitchell not to make any voluntary opening statement just in order to help preserve our legal position and it is not done in any sense of disrespect to this committee.

Senator BAKER. We understand and we appreciate it. If there is no opening statement by counsel or by the witness, in the ordinary course of events, the questioning would begin then by majority and chief counsel, Mr. Dash.

Mr. Dash.

Mr. DASH. I do not know if the record shows, Senator Baker when asked if there was any statement and Mr. Mitchell responded through his counsel, if the counsel has identified himself for the record.

Mr. HUNDLEY. Yes; Mr. William G. Hundley.

Mr. DASH. Mr. Mitchell, for the record, will you state your full name and address?

Mr. MITCHELL. John N. Mitchell, 1030 Fifth Avenue, New York City.

Mr. DASH. Mr. Mitchell, when did you first join President Nixon's administration and what office did you hold?

Mr. MITCHELL. I held the office of Attorney General from January 1969 until March 1, 1972.

Mr. DASH. Prior to the time of your assuming the office of Attorney General of the United States, did you know Mr. Nixon and would you please give the committee some brief information as to how you came in contact with him and what relationship you had with him?

Mr. MITCHELL. Well, I had a casual acquaintanceship with the President prior to the time that he came to New York in 1963. I believe it was, to practice law. Our associations increased and at the end of the year 1966 our law firms merged and we practiced law together until we both retired from the firm.

Mr. DASH. Did you take any active political role with the President during his 1968 campaign?

Mr. MITCHELL. Well, I am sure that is a matter of some debate but I was known as the campaign director in the 1968 campaign.

Mr. DASH. During the time when you were Attorney General and



sometime in 1970, Mr. Mitchell, were you aware of concern in the White House and, perhaps, in your own office, the Department of Justice, that the existing intelligence programs against internal dissent or demonstrations throughout the country were lacking and that there was need for some new programs?

Mr. MITCHELL. Well, I think, Mr. Dash, I would put that on the basis that there was lack of adequate intelligence. That probably more importantly so there was failure of coordination among the intelligence-gathering agencies to the point where problems were existing in the country, that there was a general feeling that we did not have, the Government did not have, adequate intelligence to anticipate the activities that were being carried out at that particular time.

Mr. DASH. After the Safe Streets Act of 1968, Mr. Mitchell, you did receive as Attorney General some powers involving electronic surveillance, did you not?

Mr. MITCHELL. Yes, sir, that is correct.

Mr. DASH. Was it your position, publicly taken, that, with regard to internal dissent, you had the power to authorize electronic surveillance without court approval?

Mr. MITCHELL. Well, when you say internal dissent, that is not a sufficiently descriptive term. In addition to that, as you know, the Safe Streets Act did not change measurably the activities that had been carried out in connection with electronic surveillance in prior administrations.

Mr. DASH. What term would you use, "internal security" as a better word?

Mr. MITCHELL. Internal security would, I think, be a better general term to describe it.

Mr. DASH. Right. And it was your position, was it not, that you did have the authority under the act, whether it was prior practice or not, to authorize electronic surveillance without first having to go to a court for approval?

Mr. MITCHELL. I would believe, Mr. Dash, a better way to put it was that we continued the practice that was then in effect concerning the use of electronic surveillance in connection with internal security.

Mr. DASH. Were you aware, Mr. Mitchell, of the so-called Huston plan, which we have received as part of the testimony of this committee, for an interagency intelligence program which would improve somewhat the intelligence gathering in this country?

Mr. MITCHELL. Well, there was a matter of time in connection with it. I was not aware of the fact that the heads of the various agencies were meeting on the subject matter. It came to my attention, was brought to my attention by the Director of the Federal Bureau of Investigation. To the best of my recollection I met with Mr. DeLoach and I met with Mr. Hoover. We discussed the so-called Huston plan which is the term that you have been using. The document that we discussed very briefly, I didn't get into many of the details of it, it was more an oral discussion of it, at that stage had Mr. Hoover's dissent to the provisions of it. I was of the opinion, I needed very little convincing by Mr. DeLoach and Mr. Hoover that this was not the proper approach to the problems that existed at the time, and I joined Mr. Hoover in opposing its implementation.

Mr. DASH. Were you aware, Mr. Mitchell, that the plan did provide for removing certain restrictions against illegal break-ins and electronic surveillance?

Mr. MITCHELL. Oh, yes, these items were discussed in conversations that I had with Mr. DeLoach and Mr. Hoover.

Mr. DASH. Do you recall when you first became aware of the plan?

Mr. MITCHELL. I can't put the date on it. I shouldn't try because I don't recall.

Mr. DASH. Did you have the plan ever in your possession or did you peruse the plan?

Mr. MITCHELL. I had, as I recall, the plan in my possession during the period that the Director of—the Associate Director of the FBI was discussing it with me. As I am sure you are aware, Mr. Dash, this matter was handled and considered aside and apart from the Attorney General. It was considered in the committee that involved the heads of the intelligence gathering community.

Mr. DASH. Well, did you know who in the White House were backing the plan?

Mr. MITCHELL. No, I can't say who was backing it and who was opposed to it but obviously Mr. Huston was apparently backing it because he was the author of part of it. The other people in the White House that I communicated with, at the stage in the process in which I communicated, were understanding of the position that the Director and I were supporting and the matter was disposed of.

Mr. DASH. Well, were you aware of the so-called Haldeman-Huston memos relating to this plan?

Mr. MITCHELL. No, sir; I do not recall seeing any White House correspondence on the subject.

Mr. DASH. Did you know when the plan had at one time been approved by the President?

Mr. MITCHELL. No, sir, I did not know that until these hearings were held.

Mr. DASH. Why did you oppose the plan, Mr. Mitchell?

Mr. MITCHELL. I opposed the plan for the very simple reason that in the case of domestic problems that I was very much opposed to the thought of surreptitious entry, the mail covers, and all of the other aspects of it that were involved at the particular time.

Mr. DASH. To whom did you express this disapproval other than Mr. Hoover or Mr. DeLoach?

Mr. MITCHELL. My recollection is that I talked to both Mr. Haldeman and the President about the subject matter.

Mr. DASH. And do you recall when that was?

Mr. MITCHELL. No, but it was, of course, in the limited timeframe in which this activity took place.

Mr. DASH. Did you know their reaction to your opposition at that time?

Mr. MITCHELL. My recollection is that they, both of them were appreciative of my views on the subject matter and reconsidered it and that was the end of it.

Mr. DASH. Now, during 1971—

Mr. MITCHELL. I say—excuse me, Mr. Dash—when I say reconsider it I don't know how far they had gone into the consideration of it be-

cause as of that particular time to my understanding the plan had not been implemented.

Mr. DASH. Well, did you ever receive any formal notice that the plan had not been approved or had been discontinued or been terminated?

Mr. MITCHELL. Not to my recollection, I was just told verbally that it was nil.

Mr. DASH. Or whether it had been approved?

Mr. MITCHELL. No, sir.

Mr. DASH. During 1971, were you aware of an intelligence operation that had been set up in the White House under Mr. Ehrlichman and Mr. Krogh which has become known as the Plumbers operation?

Mr. MITCHELL. No, sir.

Mr. DASH. Was there a time that you did become aware of that operation?

Mr. MITCHELL. Yes, sir, I did.

Mr. DASH. When was that?

Mr. MITCHELL. After June 17, 1972.

Mr. DASH. Now also, Mr. Mitchell, in 1971 were you aware of the so-called Sandwedge plan proposed by Mr. Caulfield for political intelligence operations?

Mr. MITCHELL. I was aware of the concept that Mr. Caulfield was proposing and, of course, I opposed that and it never came to fruition.

Mr. DASH. Did you ever have a copy of the so-called Sandwedge proposal or plan in your possession?

Mr. MITCHELL. To the best of my knowledge—my knowledge of it came in discussions with John Dean.

Mr. DASH. Were you aware that that plan also included a so-called covert operation and the use of bugging or electronic surveillance?

Mr. MITCHELL. No; I have seen that in one of Mr. Dean's exhibits but that was not the understanding that I had of the so-called Sandwedge proposal.

Mr. DASH. Did you know that the budget included actual funds to purchase electronic surveillance equipment?

Mr. MITCHELL. No, sir; I had never got that far with the subject matter.

Mr. DASH. Now, in any event, after the recommendation of Mr. Caulfield for the so-called Sandwedge plan, did you ask Mr. Caulfield for any operation or any particular assignment?

Mr. MITCHELL. There has been shown to me by this committee a memorandum that had to do with an investigation that apparently was made under Mr. Caulfield's aegis having to do with the so-called McCloskey campaign up in New Hampshire. I do not know who hired him or who paid him. I have seen the memorandum.

Aside from that, I would go to the point that Mr. Caulfield, who I saw on the 24th day of November 1971, wherein Mr. Dean brought him over to discuss the concept of his working for me in the campaign if and when I joined the campaign, Mr. Caulfield did come to work for the committee as what was purported to be an aide-de-camp at some time in March and within 2 weeks or so, he was gone, had left the committee.

Mr. DASH. Do you recall any other assignment that you personally gave to Mr. Caulfield?

Mr. MITCHELL. No, sir.

Mr. DASH. Were you aware of some of Mr. Ulasewicz's work, either for people in the White House or for Mr. Dean or for anybody else?

Mr. MITCHELL. No, sir; not until much later on when I, and I am talking about these committees, I knew that there were individuals over there that were working with Mr. Caulfield, but I did not know Mr. Ulasewicz.

Mr. DASH. Now, Mr. Mitchell, what role did you play in the setting up of the Committee for the Re-Election of the President?

Mr. MITCHELL. Well, the basic role, I believe, was the discussion with the President to the point that he still had to get nominated in his second term and there was a committee needed to undertake that function and that there should be one established. Also, with respect to the people who originally organized the committee, we discussed those, and of course, the personnel that originally came to the Committee for the Re-Election of the President were also discussed.

Mr. DASH. A number of other people were White House staff people, were they not?

Mr. MITCHELL. Well, I think, Mr. Dash, you have to go—yes. Yes, I want to make sure that we understand what period we are talking about. We are talking about the period when Mr. Harry Flemming was organizing the activities.

Mr. DASH. And did Mr. Magruder go over at that time?

Mr. MITCHELL. No, as I understand, Mr. Magruder came to the committee quite a number of months later, sometime in the spring of 1971 is my recollection.

Mr. DASH. Did you have any say in Magruder's appointment?

Mr. MITCHELL. It was recommended by Mr. Haldeman and was concurred in by me, yes.

Mr. DASH. Now, there has been testimony by a number of witnesses, Mr. Mitchell, that during this whole period, the 1971 period and also the early period of 1972, while you still held the office of Attorney General, that you played a role—in fact, an active role—in the affairs of the Committee To Re-Elect the President. Is that not true?

Mr. MITCHELL. Well, I played a role. I do not know how you characterize the word "active." The basic point was that I had been asked by the President to keep my eye on their activities over there to make sure they did not get out of line, and they would bring personnel over to me to review them and to see if they were qualified for the jobs, and they would discuss with me different projects that they were proposing to undertake, studies in connection with the media and direct mail. They discussed with me their proposed primary activities that they were preparing for in some of the early primaries.

Mr. DASH. Well, initially, certainly, you had to authorize the expenditure of any funds that were paid out at this—

Mr. MITCHELL. Well, if you put it in that term, what they did was, and this again is to keep the lid on, that they did not run wild with individuals, they would have a monthly budget of personnel, basically, since they had not gotten to the programmatic stage. They would ask me to look at it and approve it, yes.

Mr. DASH. And did there come a time when you authorized Mr. Magruder to be the authority?

Mr. MITCHELL. Well, I think that—I do not know that I asked him or authorized him. I think that evolved over the fact that he was there and he had gotten involved with the finance committee people who were raising the money and he took over the authorizations of that—

Mr. DASH. Is your testimony that he took it over without any action on your part?

Mr. MITCHELL. I do not recall, Mr. Dash, but certainly there was great assent on my part, because it got it out of my hair.

Mr. DASH. I think there was quite a bit of testimony that we received that Mr. Magruder was constantly sending over for approval and that your secretary was bothered quite a bit by these requests and you asked Mr. Magruder to actually take over the authorization himself, because he was going to be running the thing.

Mr. MITCHELL. It could very well be, because he was running it, and I do not recall the complaints from my secretary.

Mr. DASH. Also, do you recall that a number—you said a number of projects had been sent over to you—that you had received a number of memorandums for approval, where you would mark an X or something on the memorandums?

Mr. MITCHELL. Either that or they would be brought in to me and approval indicated orally and been taken back.

Mr. DASH. Do you know how much time this activity took? Was it a daily occurrence between you and Mr. Magruder and other people at the Committee To Re-Elect the President?

Mr. MITCHELL. I do not know if we can put it on a daily occurrence. Undoubtedly, as it approached the time of my leaving of the Justice Department, it became more frequent and there were a substantial number of such conferences.

Mr. DASH. Actually, when did the President make the decision to ask you to direct this campaign in the 1972 campaign?

Mr. MITCHELL. I do not know as I can answer that question, Mr. Dash. I think the President would have to answer it.

Mr. DASH. Well, when did you know that you were going to actually leave the Attorney General's office and take over this position?

Mr. MITCHELL. Well, I was doing substantial feet dragging on the subject matter, because it was not particularly my desire and I am sure it was probably sometime around the first of the year, in 1972.

Mr. DASH. Now, I think you have indicated that Mr. Haldeman also played a role in both the creation of the Committee To Re-Elect the President and the selection of personnel. What was the relationship between you and Mr. Haldeman in the operation of the committee?

Mr. MITCHELL. Well, it was one of liaison, I would think, at the highest level, in which he, of course, would be representing the President and the interest of the President in connection with the campaign, and that most major decisions were discussed with Mr. Haldeman and/or the President, and I say very major decisions.

Mr. DASH. And did you have fairly frequent conversations or meetings with Mr. Haldeman on this subject?

Mr. MITCHELL. I would think that the meetings were not that frequent. Undoubtedly, we had numerous telephone conversations about various subject matters.

Mr. DASH. Were you aware that reports of major events, at least, that were being sent to you concerning the activities of the committee were also being sent to Mr. Haldeman?

Mr. MITCHELL. I would presume that the major ones would be because of the fact that we would discuss them. He would have to have such reports in order to be able to discuss them with me.

Mr. DASH. Do you know what liaison relationship was established at the White House with Mr. Haldeman and the committee?

Mr. MITCHELL. Well, of course, there was a direct liaison between Mr. Haldeman and myself. As the campaign developed, as we got more into an active stage, Mr. Strachan was the liaison between the committee and Mr. Haldeman.

Mr. DASH. To your knowledge, was Gordon Strachan Mr. Haldeman's assistant?

Mr. MITCHELL. Well, I don't know what his title was, but he did work under Mr. Haldeman, and I know his function because various conversations were had on the subject matter.

Mr. DASH. To your knowledge, if he had reports from the committee that had to go to the White House, was it his responsibility to deliver it to Mr. Haldeman?

Mr. MITCHELL. I don't know what his responsibility was, but I assume that is the basis upon which the reports went to the White House, so they would be disseminated to the appropriate person or persons.

Mr. DASH. Now, in the fall of 1971, Mr. Mitchell, when Mr. Caulfield's Sandwedge plan was not accepted, were you aware of a continuing concern on the part of Mr. Haldeman and the White House or Mr. Magruder's part for an intelligence capacity for the Committee To Re-Elect the President to deal with the problems of demonstrations and the possible violence during the campaign?

Mr. MITCHELL. Yes; that first came up, of course, in that, or at least, occurred in my recollection, it first came up in that November 24 meeting, when Dean brought Liddy over into my office to discuss the general counsel for the Committee To Re-Elect the President.

Mr. DASH. Was that one of the reasons that Mr. Liddy was being introduced to you, to take over fact and intelligence gathering?

Mr. MITCHELL. No; I don't believe that is one of the reasons he was introduced to me. They were looking for a general counsel. What I am pointing out to you is that in one of the exhibits that Mr. Dean has provided you with, in what you might call a prospectus dealing with Mr. Liddy's job, there is a one-line short sentence in which it refers to intelligence gathering.

Mr. DASH. Was that discussed at all during that meeting with you?

Mr. MITCHELL. No. The meeting was a very, very short one and the contents of the prospectus was not discussed.

Mr. DASH. Did you understand that a portion of Mr. Liddy's time would be spent in intelligence gathering for the committee?

Mr. MITCHELL. I don't believe I focused on it at the time, but later on I came to understand that Mr. Liddy was expending his time or portions of his time in gathering information of this sort.

Mr. DASH. I think you said Mr. Dean brought Mr. Liddy over.

Mr. MITCHELL. That is correct.

Mr. DASH. Was that the first time you had met Mr. Liddy?

Mr. MITCHELL. To the best of my recollection, that is the first time I ever met him.

Mr. DASH. Were you aware of Mr. Liddy's background—professional background?

Mr. MITCHELL. I was aware because it was described at the time, but I think I had probably heard beforehand that he had previously been an assistant prosecutor in the State of New York, that he had run for Congress, that he had been with the Federal Bureau of Investigation and had been working in the Treasury and at that particular time, was in the White House.

Mr. DASH. Now, were you aware of his duties at the White House?

Mr. MITCHELL. I became aware of his duties in the White House when, I believe it was on the 8th day of December, Mr. Egil Krogh brought him over to my office in connection with a meeting that had to do with the Dale program—that is the drug abuse law enforcement program—of which there were many such meetings going on around the office, around the administration, around the Government.

Mr. DASH. Well, did you know that Mr. Liddy also worked for Mr. Krogh as one of the Plumbers?

Mr. MITCHELL. No; I had not been advised of those activities as of that time.

Mr. DASH. Now, after Mr. Liddy was hired and became counsel to the committee, there came a time when there was a meeting in your office, on January 27, 1972, at the Department of Justice, attended by Mr. Dean, Mr. Magruder, Mr. Liddy, and of course, yourself.

Can you tell us how this meeting came about, who set it up, and why it was in your office?

Mr. MITCHELL. Well, I can't tell you how it came about other than in the normal process of events. Most of the meetings in my office were put on the calendar through individuals who would call up and ask for meetings and my secretary would make notes of that and then somewhere along prior to the time of the request, she would check with me concerning whether I was agreeable to it and it would be put on the permanent calendar for that particular day.

Mr. DASH. Would she tell you as to what the purpose of the meeting would be in determining whether you were agreeable or not?

Mr. MITCHELL. Normally, this would be the case.

Mr. DASH. Do you know what purpose was stated for the meeting of January 27, 1972?

Mr. MITCHELL. I cannot recall that, Mr. Dash. The meeting, of course, as we are well aware now, had two functions. One of them was to discuss the proposed intelligence plan and the other one had to do with the discussion of the election and what, what part of it that she might have discussed with me, I am not aware.

Mr. DASH. Well, prior to that—

Mr. MITCHELL. What part of it that she might have discussed with me I am not aware.

Mr. DASH. Is it your testimony now that you don't recall having any knowledge that you were going to have an intelligence plan discussed prior to that meeting of January?

Mr. MITCHELL. I just don't recall.

Mr. DASH. Now the committee has heard, Mr. Mitchell, considerable testimony about this particular meeting, at least from the other side of your desk. Now, what is your recollection of what Mr. Liddy presented to you as the Attorney General and also to some extent an adviser to the Committee To Re-Elect the President?

Mr. MITCHELL. I didn't hear the last part of your question.

Mr. DASH. I said what, to your best recollection, was the intelligence plan that Mr. Liddy presented to you as Attorney General or in your role as adviser to the Committee To Re-Elect the President?

Mr. MITCHELL. I think it can be best described as a complete horror story that involved a mish-mash of code names and lines of authority, electronic surveillance, the ability to intercept aircraft communications, the call girl bit and all the rest of it.

Mr. DASH. Do you recall the use of charts in the show and tell operation?

Mr. MITCHELL. I recall the use of charts because this is where the lines were all crossing with the authority, et cetera, et cetera.

Mr. DASH. Do you recall any of the code names that were used, Mr. Mitchell?

Mr. MITCHELL. No, I can't, Mr. Dash. The matter was of such striking content and concept that it was just beyond the pale.

Mr. DASH. When Liddy completed his presentation, what was your reaction?

Mr. MITCHELL. Well, I think it was very simple. As I recall, I told him to go burn the charts and that this was not what we were interested in. What we were interested in was a matter of information gathering and protection against the demonstrators.

Mr. DASH. Mr. Mitchell, if this was the kind of plan that you have described and, as has been described this way by other witnesses before this committee, and since you were the Attorney General of the United States, why didn't you throw Mr. Liddy out of your office?

Mr. MITCHELL. Well, I think, Mr. Dash, in hindsight I not only should have thrown him out of the office, I should have thrown him out of the window. [Laughter.]

Mr. DASH. Well, since you did neither—[laughter] why didn't you at least recommend that Mr. Liddy be fired from his responsible position at the committee since obviously he was presenting to you an irresponsible program?

Mr. MITCHELL. Well, in hindsight I probably should have done that, too. About the belief I had at the time in turning the matter over we would get back to the purpose that was originally intended, and that he was qualified to pursue that particular segment that we had been talking about.

Mr. DASH. Well, it's been testified that although you didn't take an affirmative action, you did not approve the plan that was presented by any means. But Mr. Liddy at least went away from your office with the idea that he could come back with a scaled down version of a plan for intelligence gathering that would have a lower price tag. By the way, what was the price tag? Do you recall the price tag?

Mr. MITCHELL. Oh, just a million dollars.



Mr. DASH. Now, just carrying on from what my previous observation was as to what Mr. Liddy may have come away from the meeting, obviously Mr. Magruder and Mr. Liddy did not get the impression that you completely disapproved of the program because they did set up only 8 days later a meeting in your office on February 4 with the same participants in which they presented a half million dollar program I understand which included electronic surveillance.

Mr. MITCHELL. Well, Mr. Dash, I would disagree with the testimony to which you refer insofar as Mr. Magruder or Mr. Liddy either one of them was invited back under the basis of the same concept with respect to the presentation of a plan, and I think Mr. Dean, if I recall his testimony, agrees a little bit more with what my recollection was and it was to the point of this was not what we were interested in. What we were interested in was the gathering of information and the security and protection against the demonstrations.

Mr. DASH. But nevertheless Mr. Magruder and Mr. Liddy did come back and Mr. Dean attended that meeting with you, on February 4, and did present a scaled down version which included electronic surveillance and break-ins, did it not?

Mr. MITCHELL. It did that but there again there are faulty recollections with what was discussed at that meeting, what the concept of it was. I violently disagree with Mr. Magruder's testimony to the point that the Democratic National Committee was discussed as a target for electronic surveillance for the reasons that he gave, number one with respect to the Democratic back story. We are talking now about the 4th of February.

Mr. DASH. Yes, I know, the reason for centering in on Mr. O'Brien, I believe—

Mr. MITCHELL. That is correct, and, of course, the newspaperman did not have his column that Magruder referred to until the 23d of February. He said we were focusing on the Democrats and Mr. O'Brien because Mr. O'Brien's vocal activities in connection with the ITT case, and Mr. Anderson did not publish his column until the 29th of February, and so that what I am pointing out is that this meeting was a relatively short meeting and it was rejected again because of the fact that it had these factors involved. But these targets were not discussed.

Mr. DASH. Were any targets discussed, Mr. Mitchell?

Mr. MITCHELL. To the best of my recollection, there were none.

Mr. DASH. Do you also disagree with Mr. Magruder's testimony that you actually volunteered a particular target which was Hank Greenspoon's office in Las Vegas for the purpose of obtaining some documents that might involve a political candidate?

Mr. MITCHELL. Mr. Dash, you gave me a great opportunity to correct the record on this. You know, Mr. Magruder said that it could have been Mitchell or Dean and then when you picked up the questioning you said Mitchell, so we are now correcting that record. To the best of my recollection, there was no such discussion of any—

Mr. DASH. However, your recollection is there was no discussion of it?

Mr. MITCHELL. No discussion whatsoever.

Mr. DASH. Do you recall Mr. Dean's reaction at that meeting?

Mr. MITCHELL. I recall both of our reactions to it. Although it has been given, Mr. Dean's reaction has been given a different connotation and, of course, it depends on who is telling the story and under what circumstances to who looks like the White Knight and who looks like the Black Knight, of course.

The fact of the matter is that Dean, just like myself, was again aghast that we would have this type of presentation. John Dean, as I recall, not only was aghast at the fact that the program had come back again with electronic surveillance, perhaps a necessary entry in connection with it, I am not sure that entries were always discussed with electronic surveillance because they are not necessarily synonymous, but Mr. Dean was quite strong to the point that these things could not be discussed in the Attorney General's office, I have a clear recollection of that and that was one of the bases upon which the meeting was broken up.

Mr. DASH. And broke up on that basis, I believe.

Mr. MITCHELL. And broke up, along with my observations.

Mr. DASH. What specifically did you say?

Mr. MITCHELL. I cannot tell you specifically any more than I can tell you specifically what Mr. Dean said but my observation was to the point that this was not going to be accepted. It was entirely out of the concept of what we needed and what we needed was again an information-gathering operation along with, of course, the program to get information on and to be able to have security against the demonstrators that we knew were coming.

As you recall, Mr. Dash, at this particular time they had already started to form in substantial numbers in San Diego in connection with the proposed convention, even though that convention was not to happen until August of that year.

Mr. DASH. Well, since this reappearance, and presentation of the so-called Liddy plan to you which included these obviously objectionable portions to you as you testified, and since you did not take any violent action at the preceding meeting, did you take any action against Mr. Liddy as a result of his coming back again on February 4 and re-presenting it?

Mr. MITCHELL. Other than to cut off the proposals; no.

Mr. DASH. Why not? Here is a man talking to you as Attorney General about illegal wiretapping and perhaps break-ins. Why, if you did not have him ordered arrested for trying to conspire to do things like this, why didn't you have him fired?

Mr. MITCHELL. In hindsight I would think that would have been a very viable thing to do. And probably should have been done. Liddy was still an employee of the campaign and I presumed that he would go back to the duties that he was performing without engaging in such activities.

Mr. DASH. Well, you had to be aware at least at that time, Mr. Mitchell, that Liddy could become a very embarrassing employee of the campaign.

Mr. MITCHELL. Not necessarily, unless he violated directions under which he was operating to that point there was no such, there was no such evidence that he was violating.

Mr. DASH. He did not indicate any responsibility to you at least, in the presentation of the two plans that he gave you on January 27 and February 4, did he?

Mr. MITCHELL. I am not sure I understand your question, Mr. Dash.

Mr. DASH. Certainly, from your point of view, he did not exercise or did not demonstrate any responsibility?

Mr. MITCHELL. He did not exercise any responsiveness to my desires in the matter, if that is your question; no.

Mr. DASH. Did you report to anybody the January 27 meeting or the February 4 meeting?

Mr. MITCHELL. To the best of my recollection, no; Mr. Dash.

Mr. DASH. Did you ever take it up with Mr. Haldeman or anybody in the White House?

Mr. MITCHELL. No, sir.

Mr. DASH. Were you aware that Mr. Liddy left the February 4 meeting believing that his plan was not objectionable in itself but only that the price tag was too high and that he reported that to Mr. McCord and Mr. Hunt?

Mr. MITCHELL. I cannot conceive of anybody leaving that meeting with such an understanding.

Mr. DASH. Were you aware, by the way, that Mr. McCord and Mr. Hunt were involved in the planning operation?

Mr. MITCHELL. In no way. I have never met Mr. Hunt. I do not know Mr. Hunt and, of course, Mr. McCord was the security officer of the Committee To Re-Elect the President and one of the last people I would have believed would have been involved in such activity.

Mr. DASH. Now, after the February 4 meeting, did you receive any urging or pressures from anybody in the White House with regard to approving the Liddy plan?

Mr. MITCHELL. No, sir.

Mr. DASH. Well, now, once again, Mr. Mitchell, and for a third time, on March 30, 1972, and this time in Key Biscayne, Mr. Magruder himself, not Mr. Liddy, presented a decision paper on the so-called Liddy wiretapping political intelligence plan scaled down now to a price tag of \$250,000.

Do you recall the meeting with Mr. Magruder and yourself down at Key Biscayne on March 30?

Mr. MITCHELL. Yes; I do, Mr. Dash.

I was on a vacation and it gave an opportunity to catch up on some of the things that were happening in the Committee To Re-Elect the President that I was to be associated with shortly. There were 2 days of meetings, Mr. Harry Flemming was down there for a day with his side of the campaign activities that had to do more with the political organizations and States and Mr. Magruder was down there in connection with the operational program, programmatic side of the campaign.

Mr. DASH. I understand—I am sorry, continue.

Mr. MITCHELL. Mr. LaRue had come down with us and was living in the house with us and he sat in on all of these meetings that we had while we were down there.

Mr. DASH. Now, I understand Mr. Magruder came down not only with this so-called Liddy plan proposal but he had a number of other items on the agenda.

Mr. MITCHELL. Yes; he had a substantial number of items on the agenda because I had been otherwise engaged and had for weeks. I had not had an opportunity to meet with these people. I was about to become officially associated with the campaign and he came down with a big stack of documents that were to be considered immediately.

Mr. DASH. Would it be fair to say, Mr. Mitchell, that the so-called quarter million dollar Liddy plan for wiretapping and break-in was actually different in degree and kind than any other agenda item that he was presenting to you?

Mr. MITCHELL. Mr. Dash, you can rest assured of this. There were no other such plans in the documents that were submitted.

Mr. DASH. What would have given Mr. Magruder the idea that you would even consider this proposal again if you had indeed, as you stated, rejected it so categorically twice before?

Mr. MITCHELL. Well, I would have presumed that you would ask Mr. Magruder that question when he was here, Mr. Dash, but in hindsight I presume there were other people interested in the implementation of some type of activity in this area. Because I believe that Mr. Magruder was very clearly aware of the position that I had taken in connection with it.

Mr. DASH. So that it is at least your present feeling that he was acting under some pressure for somebody to represent this plan to you?

Mr. MITCHELL. This has been continued to be my feeling but I have no basis for knowing that.

Mr. DASH. Do you know who might have been involved?

Mr. MITCHELL. No, I do not.

Mr. DASH. Has anybody ever told you other than any testimony which has appeared before this committee?

Mr. MITCHELL. No, the only information I have had has been the testimony that has been before this committee, and, of course, that is pretty wide ranging, you can almost take your pick of quite a number of such influences.

Mr. DASH. Now, what is your recollection of what decision you made in Key Biscayne on the so-called Liddy plan?

Mr. MITCHELL. Well, it was very simple. This, again, "We don't need this, I am tired of hearing it, out, let's not discuss it any further." This sort of a concept.

Mr. DASH. It was as clear as that?

Mr. MITCHELL. In my opinion, it was just as clear as that.

I believe I recall, Mr. Dash, that this was part of a long agenda that for some unknown reason, they kept this to the last, or the next to the last. Whether somebody thought they were going to sneak it through or whether there would be less resistance or what, I don't know. But this is my recollection.

Mr. DASH. Well, then, could Mr. Magruder have been in any way mistaken as to what your position was?

Mr. MITCHELL. I would hope not.

Mr. DASH. Then how do you explain, Mr. Mitchell, Mr. Magruder's sworn testimony that you, however reluctantly, approved the quarter million dollar Liddy plan at Key Biscayne?

Mr. MITCHELL. Mr. Dash, I can't explain anybody's testimony up here except my own.

Mr. DASH. Well, indeed, if you had not approved the plan——

Mr. MITCHELL. I really shook him up, didn't I?

Mr. DASH. Well, I will try another question.

You had not approved the plan, but these things occurred according to the testimony of a number of witnesses. Why would Mr. Magruder call Mr. Reisner to have Liddy call him in Key Biscayne and then as soon as Mr. Magruder returned to Washington, he told Mr. Reisner to tell Liddy that his plan had been approved and he told Sloan that you had authorized Liddy to draw a total of a quarter of a million dollars.

Now, Mr. Sloan, Mr. Reisner, and Mr. Magruder have so testified that this occurred just after the March 20 meeting.

Mr. MITCHELL. I can't describe or prescribe the activities of other people, Mr. Dash, assuming that that long statement of yours is correct. I can't describe the——

Mr. DASH. Well, perhaps you may not be able to describe the activities, but was Mr. Magruder capable of leaving a meeting in Key Biscayne with you on March 30, in which you rejected for a third time the Liddy plan, and completely on his own, lied to Mr. Reisner, Liddy, and Sloan about your approval of the quarter million dollar plan?

Mr. MITCHELL. Is he capable of it?

I wasn't privy to the conversation, but if it happened——

Mr. DASH. Well, we have this testimony under oath before this committee, by all three witnesses.

Mr. MITCHELL. Well, with respect to all three people that were involved, if there is a problem there, it is a problem of misunderstanding or a contravention of my orders.

Mr. DASH. I think you testified that he couldn't possibly misunderstand——

Mr. MITCHELL. This would certainly have been my recollection upon the basis of the conversation that was involved. Of course, fortunately, there was a third party there and I am sure that he will have some opinion on the subject matter one way or the other.

Mr. DASH. Who is that?

Mr. MITCHELL. Mr. LaRue, who was in this meeting with us throughout the activity.

Mr. DASH. Do you know what his testimony is on that subject?

Mr. MITCHELL. No, I don't know what his testimony will be, Mr. Dash, but Mr. LaRue was there, and we have talked about it, obviously, since that event occurred over the months that have intervened since the Watergate event of June 17, and I am quite sure that, for instance, he told Mr. Parkinson and Mr. O'Brien that there was no such approval at this particular time.

Mr. DASH. Well, did you ever have any meeting with Mr. Magruder down at Key Biscayne at which Mr. LaRue was not there?

Mr. MITCHELL. I don't see how there could have been. Mr. LaRue was staying in the House with us, we were meeting in what they call the Florida room in the particular house. The meetings went on for quite a number of hours and we went through these documents and to the best of my recollection, Mr. LaRue was there.

Mr. DASH. Do you recall what Mr. LaRue said there?

Mr. MITCHELL. Well, I don't think Mr. LaRue was very enthusiastic about this project and I think he concurred in the fact that it should not be approved.

Mr. DASH. Now, if Mr. Magruder didn't come away with the idea that you had approved it and nevertheless, very shortly after he returned, set it in motion by approving the payment to Mr. Liddy of funds to carry out this plan, do you have any idea who above you could have given him authority to do this?

Mr. MITCHELL. Well, Mr. Dash, I don't know whether it would be above me, but there could very well have been pressures that came from collateral areas in which they decided that this was the thing to do. I can't speculate on who they might be. I am sure that there could be such pressures.

Mr. DASH. Generally, though, from your knowledge of Mr. Magruder and the working of Mr. Magruder, would Mr. Magruder on his own undertake to carry out this plan?

Mr. MITCHELL. You are asking for an opinion again.

Mr. DASH. An opinion, yes.

Mr. MITCHELL. I think it is a matter of degree, Mr. Dash. I think you will find when you get into your additional investigations that there were a lot of activities in the so-called dirty tricks department and so forth that were carried on without my knowledge by the gentlemen who were at the committee. So, it is a matter of degree.

Mr. DASH. Well, a matter of degree. But here, although Mr. Magruder had a continuing authority to approve expenditures, if Mr. Magruder actually knew that you had barred or rejected a particular program, would you expect Mr. Magruder to approve the payment of a quarter of a million dollars to Mr. Liddy for that program?

Mr. MITCHELL. I don't believe that Mr. Magruder paid a quarter of a million dollars to Liddy.

Mr. DASH. Well, approved—

Mr. MITCHELL. What he had done was continue what he had been doing before, made payments along the way to Liddy for Liddy's intelligence-gathering activities.

Mr. DASH. Well, that is not according to Mr. Magruder's testimony. According to Mr. Magruder's testimony, he had given this money not for general intelligence activity, but the so-called Liddy plan.

Mr. MITCHELL. Oh, you are talking about the later date?

Mr. DASH. Yes. Would you expect, taking as a matter of degree, that Mr. Magruder may have acted on his own? Having your rejection to a particular program, would you have expected Mr. Magruder to have approved the expenditures of large sums of money?

Mr. MITCHELL. I certainly would not have expected it, Mr. Dash, no.

Mr. DASH. Now, shortly, and I think again this is a restatement of what occurred, shortly after the March 30 meeting in Key Biscayne, Liddy in April did ask for an initial payment from Mr. Sloan on a quarter million dollar budget. Mr. Sloan has so testified that Liddy asked that the initial payment be \$83,000. Were you aware of that request of Mr. Liddy's?

Mr. MITCHELL. I am not aware of the request, Mr. Dash, with respect to the dollar amount, and I am sure that the committee recalls the dialogue from Sloan to Stans to Mitchell to Stans to Sloan with respect

to it in which amounts were not discussed. It was a question of did Magruder have continuing authorization to authorize expenditures, and of course, the answer was yes.

Mr. DASH. Well, it is more in direct disagreement with Mr. Sloan's testimony or Mr. Stans' testimony, but according to Mr. Sloan's testimony, he was quite concerned about the sizable amount, \$83,000, and went to Mr. Stans to see if Mr. Magruder had such authority and then Mr. Stans went to you. According to the testimony of Mr. Stans, on May 16, for the record—just paraphrasing it—Mr. Stans, although not meaning a particular amount, asked whether, if any amount that Mr. Magruder wanted to give Mr. Liddy would be all right, and that you had said yes.

Mr. MITCHELL. I said that Magruder had continuing authority to authorize expenditures of money. Up until that time, I guess he had expended \$3 or \$3½ million.

Mr. DASH. But did you recall that in this particular case, Mr. Stans was asking you about Liddy?

Mr. MITCHELL. I don't have that recollection on the issue of Magruder's continuing authority, but I would not challenge or dispute Mr. Stans' statement on the subject.

Mr. DASH. Well, that was his testimony. Now, you had just had a meeting with Mr. Magruder on March 30, in which Mr. Magruder was asking you to approve a quarter million dollar plan that would authorize giving Liddy this kind of money. Your statement now, then, is that you did tell Mr. Stans that Mr. Magruder could pay Mr. Liddy any sum of money that Mr. Magruder wanted to pay him.

Mr. MITCHELL. Don't put it in the context of any sum of money. It was a fact that existed, Mr. Dash, in connection with Liddy had been in the intelligence and information gathering field. I think Mr. Stans has testified up here that to that time, he had been authorized \$125,000 and it is again in the context of the fact that Magruder had continuing authority to authorize moneys and Mr. Stans said, with respect to Liddy, I can take it on the same basis to authorize money in connection with the ongoing programs that Liddy had been carrying out.

Mr. DASH. That would be true, Mr. Mitchell, in the abstract.

Mr. MITCHELL. Well, this is the abstract, Mr. Dash, because there were no sums involved and none discussed, and this has been the testimony.

Mr. DASH. Well, Mr. Stans felt it necessary to come back to you and this was shortly after you were aware that Mr. Liddy was seeking to get approval of a plan for a quarter of a million dollars.

Mr. MITCHELL. No, we had had no discussion whatsoever with respect to approval of a Liddy plan of a quarter of a million dollars, and Mr. Stans has testified that he never heard about it. And I am so testifying that I never heard about it in connection with the discussion of whether or not the authorization from Magruder to Liddy had anything to do with a quarter of a million dollar plan.

Mr. DASH. But shortly after the March 30 meeting, you were being asked by Mr. Stans if Mr. Magruder could pay sizable amounts to Mr. Liddy?

Mr. MITCHELL. No, there weren't any sizable amounts. We didn't talk about numbers, we didn't talk about sizable amounts at all. What we talked about was did Magruder have continuing authorization, Stans said, to provide money to Liddy. I say continuing authorization and it is still the fact that it is continuing authorization to Liddy. We are not talking about a quarter of a million dollars, we are not talking about sizable amounts, we are talking about what was conceived to be an ongoing program that had already expended \$125,000.

Mr. DASH. Just one last question on this, Mr. Mitchell. Then why was it necessary for Mr. Stans to come to you if it was not a sizable amount involved?

Mr. MITCHELL. Mr. Stans has already testified that he didn't know the amount involved and didn't discuss it with me.

Mr. DASH. I think Mr. Stans' testimony is that he asked you if any amounts were to be paid by Mr. Liddy, would that be all right?

Mr. MITCHELL. I do not recall on that basis, Mr. Dash.

Mr. DASH. Let me just read to you, Mr. Mitchell, Mr. Stans' testimony on page 1644.

"I said"—meaning Mr. Stans—"you mean, John, that if Magruder tells Sloan to pay these amounts to Gordon Liddy that he should do so? And he said, that is right."

Mr. MITCHELL. Would you go back and pick it up so I can hear the prior testimony?

Mr. DASH. Let me just go back.

"I will quote the conversation with John Mitchell as best as I can paraphrase it. It is not precise. But I saw John Mitchell a relatively short time after and said, Sloan tells me that Gordon Liddy wants a substantial amount of money. What is it all about?"

"And John Mitchell's reply was, I do not know. We will have to ask Magruder, because Magruder is in charge of the campaign and he directs the spending."

Mr. Stans said, "I said, do you mean, John, that if Magruder tells Sloan to pay these amounts or any amounts to Gordon Liddy, that he should do so? And he said, that is right."

Mr. MITCHELL. Well, I would respectfully disagree with Mr. Stans on the fact of substantial amounts or that the discussions had to do with respect to the authorization by Magruder in the continuity of the way he had been acting. This was as I was coming aboard in connection with the campaign.

Mr. DASH. Now, Mr. Mitchell, were you aware that on or about May 27, 1972, there was in fact a break-in of the Democratic National Committee headquarters at the Watergate?

Mr. MITCHELL. No, sir.

Mr. DASH. And did you know of the code name, "Gemstone" or any of the wiretap proofs that came from the break-in?

Mr. MITCHELL. Not until a great deal later down the road, Mr. Dash.

Mr. DASH. When you say that, how far down the road?

Mr. MITCHELL. I am not quite certain. I believe it would be substantially down the road.

Mr. DASH. Before June 17 or after June 17?

Mr. MITCHELL. Oh, much after June 17.



Mr. DASH. Were you aware that Mr. Magruder kept a so-called Mitchell Gemstone file as well as a Haldeman Gemstone file, prior to June 17?

Mr. MITCHELL. I have heard testimony here, Mr. Dash, that I believe it was Mr. Reisner, that they kept a Mitchell file, in which documents would be placed for Mr. Magruder to come up and discuss them with me.

Mr. DASH. Yes, I believe Mr. Magruder has also testified about that.

Mr. MITCHELL. Yes, about a file that would have documents, memorandums, et cetera, et cetera. I am not aware of anybody testifying to the fact that there was a special Mitchell gemstone file.

Mr. DASH. Well, the Mitchell file did include, on that testimony, you will recall, that it included gemstone.

Mr. MITCHELL. I recall Reisner stating that he had put the documents in there, yes.

Mr. DASH. But do you recall Mr. Magruder testifying that he had taken these documents and showed them to you?

Mr. MITCHELL. I recall it very vividly because it happens to be a palpable, damnable lie.

Mr. DASH. What is the lie, Mr. Mitchell?

Mr. MITCHELL. Well, let me lay out the scenario for you, because my answer will come in the scenario. I paid particular attention to this because of the fact that Mr. Magruder said that at his regular 8:30 morning meeting, sometime within a week or a week and a half from the time of the initial break-in, that he brought certain documents to my office at the regular 8:30 meeting to display them to me and that I was dissatisfied with them and that I called Gordon Liddy up to my office and raised holy hell with him about the fact that they were not the type of information that was wanted.

Now, let me go back and pick up the facts with respect to the meeting. First of all, I had an 8:15 meeting every day over at the White House in connection with activities that were governmental, but I sat in on.

Second, if you have my logs, that are very, very accurate and correct, you will note that there was no meeting in any morning during that period when Mr. Magruder and I were alone during that meeting.

Third, I have never seen or talked to Mr. Liddy from the 4th day of February 1972 until the 15th day of June 1972, either in person or on the telephone.

Fourth, I would like to point out that Mr. Dean's testimony is that when he first debriefed Mr. Liddy on the 19th of June, Mr. Liddy told Mr. Dean that Magruder was the one that had pushed him concerning the second entry on the 17th of June and I cannot conceive of anybody, if they had Mitchell as a scapegoat, why they would get down to Magruder and use him as the one that had pushed him.

So I am using that dialogue to point out the reasons why this meeting could not and did not take place.

Mr. DASH. Just taking that dialogue, you were aware that there was no love lost between Mr. Liddy and Mr. Magruder and he might well have wanted to, since we are speculating, put the blame on Mr. Magruder.

Mr. MITCHELL. As I am stating, Mr. Dash, I never saw Mr. Liddy from the 4th of February until the 15th of June and I cannot tell you whether there was love lost or not. I think there is testimony that if they had a controversy, it should be kept away from me and settled at lower echelons.

Mr. DASH. Well, if Mr. Liddy did not see you, did Mr. Magruder show you the Gemstone file, as he indicated he did?

Mr. MITCHELL. No; he did not and I just got through denying that fact that he did and I am pointing out the reasons why he did not because of the circumstances and time in which he is talking about the meetings that are referred to in those logs.

Mr. DASH. You do not recall then, any statement by Mr. Liddy to you indicating that the O'Brien microphone was not working and he would have to fix it?

Mr. MITCHELL. Mr. Dash, the only statement that I have had with Mr. Liddy and the only conversation from the 4th of February until this very day was one single meeting that shows in my log on June 15, 1972, where Mr. Liddy was brought into my office by Mr. Van Shumway, the Public Information Officer, to discuss with me a letter that Mr. Liddy had written on Mr. Stans' request to the Washington Post having to do with some charges that had been made by the General Accounting Office dealing with the Corrupt Practices Act and Mr. Shumway did not want that letter to go to the Post without my approval. I looked at the letter and gave it the approval and that was the end of it. That was the only conversation I had with Mr. Liddy so it could not possibly be as you were inferring.

Mr. DASH. Without seeking at all to challenge, Mr. Mitchell, your testimony, would it not be true since you referred to the log or what may or may not appear in the log if a name does appear in the log it is perhaps likely that such a person did meet with you during that time but does it actually mean if a name does not appear that such a person never entered your office?

Mr. MITCHELL. I believe that to be absolutely true, Mr. Dash. If you go back and look at that log you will find that the aide that I had sitting in the next office to me when he came into see me that was logged. When my daughter called on the telephone or when my wife called on the telephone—by the way, my wife called a lot more often than my daughter [laughter] but regardless of who it was that called and who came into the office that was logged in that particular circumstance.

Mr. DASH. Well, even though you may not have followed all the testimony, Mr. Mitchell, are you aware that some time earlier at the beginning of these hearings that Mr. McCord in his early testimony before this committee gave some corroborating evidence, although hearsay as it was, to the effect that Liddy told him that the reason they had to go into the DNC on June 17 was because you, Mr. Mitchell, were unhappy about the false or the ineffective working operation of the O'Brien bug.

Mr. MITCHELL. Mr. Dash, that fits right in with Mr. McCord's testimony as the only reason he did anything of this was because he thought he had the approval of the Attorney General of the United States and the counselor to the President, that just fits right in with it. But the fact of the matter is that I never saw or talked to Mr. Liddy from the 4th of February until the 15th of June.

Mr. DASH. All right, now, Mr. Mitchell, where and when did you first learn of the break-in of the Democratic National Committee headquarters that took place on June 17, 1972?

Mr. MITCHELL. Well, I was in California for the weekend on an extensive round of activities and, to the best of my recollection, Mr. Dash, it was on Saturday morning. I am not sure who the individual was who told me. We were, I was, moving with Governor Reagan from a hotel to a place where there was a series of political meetings, to the best of my recollection, when I arrived there I was advised of it. There was considerable concern about the matter because I was holding a press conference out there, and we did not know what the circumstances were. I believe that by that time that they had—Mr. McCord, his name had surfaced or Mrs. McCord had called somebody at the committee about it, and obviously, there was an involvement in the Committee To Re-Elect the President.

Mr. DASH. What, if anything, did you do, while still in California?

Mr. MITCHELL. While in California? I did a number of things. First of all, I continued to carry out the schedule that I had there which was quite extensive for 2 days. I asked the people, particularly Mr. Mardian who was there, to get as much information about it as he could. I put out a statement to the effect that, I do not know whether it went out there or after we came back, to the effect that we did not understand this, that Mr. McCord was one of our employees, he also had a separate consulting firm, that it was basically an attempt to carry on the extensive schedule that I had which, of course, is in the book that you are well aware about and, at the same time, trying to get information as to what had happened back in the District of Columbia.

Mr. DASH. At that time, out in California, did it ever cross your mind when you read about this that perhaps the Liddy plan had been put in operation?

Mr. MITCHELL. Well, that had crossed my mind but the players were different and, of course, there was a lot of discussion about CIA and because of the Cuban Americans who were involved in it. It wasn't until actually later on that it struck home to me that this could have been the same operation that had a genesis back in the earlier conversation.

Mr. DASH. Well then, after you returned from California, and I understand that was on June 19, 1972.

Mr. MITCHELL. Yes, sir, it was.

Mr. DASH. When and how were you briefed as to what actually happened in this matter?

Mr. MITCHELL. Well, how was I briefed as to what actually happened?

Mr. DASH. Yes.

Mr. MITCHELL. Well, that is such a broad statement that I could tell you for the next 6 months I was being briefed on it.

Mr. DASH. I mean, let's take the—

Mr. MITCHELL. Excuse me, Mr. Dash, you are asking the questions.

Mr. DASH. That is all right. I think you were about ready to give me a shorter answer than a longer answer.

Mr. MITCHELL. Well, I was giving you a shorter answer to the fact that the first so-called briefing on what had happened, and you used the word "actually" which I will have to omit from that for the time

being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

Mr. DASH. Will you tell us briefly what that extensive story included?

Mr. MITCHELL. Well, it included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Mr. MITCHELL. Well, I am referring to, well, it certainly wasn't the prosecution.

Mr. DASH. No.

Mr. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

Mr. DASH. And when you refer to the Dita Beard matter what specifically did you learn through Mr. LaRue and Mr. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her out of, either New York or Washington.

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder—

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement, et cetera, and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. No; I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Mr. DASH. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house?

Mr. MITCHELL. Not in my recollection was there any discussion of destruction of documents at that meeting.

Mr. DASH. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

Mr. DASH. Now, during the period which is the latter part of June, July, and perhaps August, you did become somewhat aware, not fully aware, of the fact that Mr. Magruder had been very much involved in the so-called Liddy bugging operation of the Democratic National Committee headquarters, and also of the Liddy-Hunt operations as you have indicated for the plumbers activities that you have described earlier.

Were you not also aware, Mr. Mitchell, of the wiretapping of certain journalists and staff members of Mr. Kissinger after the so-called leaks of the SALT talks?

Mr. MITCHELL. Mr. Dash, which question do you want me to answer?

Mr. DASH. I think, the first—

Mr. MITCHELL. We are going from July 1972 back to some place in 1969 and I am not quite sure how you want me to approach it.

Mr. DASH. Well, you did become aware during June and July of Mr. Magruder's involvement in the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. We had people such as Mr. Liddy and so forth say yes, that Magruder was involved, Magruder was saying no at one time and maybe yes the other time, and so forth, but we were aware of the fact that certainly Mr. Magruder had provided the money if nothing else and that during the latter part of June and the early part of July seemed to be what all the focus was as to how much money Mr. Magruder had provided to Mr. Liddy.

Mr. DASH. Well, there came a time when you were aware that Magruder himself had admitted to certain persons, whether Mr. Mardian or Mr. Parkinson, that he had been involved but was going to give a false story about what he had done.

Mr. MITCHELL. Well, I don't want to get Mr. Parkinson in there and I don't know about Mr. Mardian because Mr. Magruder told them two or three different stories, and Mr. Parkinson, and Mr. O'Brien obviously went ahead on the story that they thought was to be the facts.

As I understand the sequence of events when this thrashing around was involved, occurred, involving everybody from the President of the United States and the chairman of this committee and everybody on down the line as anybody they could think of to name, Mr. Parkinson.

Senator ERVIN [presiding]. Just a minute, did they accuse this chairman?

Mr. MITCHELL. No, sir, this committee, I was going to use some other committee, I think we had better use some other committee. [Laughter.]

The fact of the matter is that to the best of my recollection that Mr. Parkinson got Mr. Magruder and Mr. Porter down to his office and put them in a room and said now "I want you to write down what your statement is on this subject matter because it probably is going to be used as a deposition before the grand jury or certainly for submission to the Justice Department," so I want to make sure that Mr. O'Brien—that Mr. Parkinson is not involved in this. It got to the point where I had a very, very strong suspicion as to what the involvement was, yes.

Mr. DASH. With that you also had the suspicion, if that is the word you want to use, that Mr. Magruder's story which he was writing down and which he was going to give in a deposition to the grand jury was not a true story.

Mr. MITCHELL. Well, this came out later. I didn't know what he was writing down July 15 or whatever it was, it came later.

Mr. DASH. There came a time when it did become a fact.

Mr. MITCHELL. That is right.

Mr. DASH. When was that?

Mr. MITCHELL. I would say it was sometime before he went to the grand jury, sometime. I don't want to duck your question on these wiretaps that happened back in 1969.

Mr. DASH. I will come back to that in a second. But you did become aware by the time he testified on the grand jury that Mr. Magruder was, in fact, testifying to a false story.

Mr. MITCHELL. I became aware or had a belief that it was a false story.

Mr. DASH. As a matter of fact, there were a number of meetings that you had with Mr. Dean, Mr. Magruder, Mr. LaRue, and Mr. Mardian, and at least in way part of the discussion that took place at that time, was Mr. Magruder's testimony before the grand jury?

Mr. MITCHELL. I would think there would have been more than one meeting on the subject matter, yes.

Mr. DASH. I think the calendar would show there were quite a number of meetings in which you met——

Mr. MITCHELL. There were a lot of meetings, with a lot of matters being discussed at that time.

Mr. DASH. Also was it true that Mr. Dean began to serve as sort of a liaison between this group that you were meeting with and Mr. Haldeman and Mr. Ehrlichman?

Mr. MITCHELL. Well, Mr. Dean was serving as a liaison between the Committee To Re-Elect the President and the White House and I am sure that would have meant Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. And then, to the best of your recollection and knowledge, were you aware that Mr. Haldeman and Mr. Ehrlichman were being kept informed on the question of the strategy to conceal Mr. Magruder's actual——

Mr. MITCHELL. I had no specific knowledge of that.

Mr. DASH. Did you ever discuss that with Mr. Ehrlichman or Haldeman?

Mr. MITCHELL. No, sir; I never did. You are talking about the Magruder testimony?

Mr. DASH. Yes.

Mr. MITCHELL. To the best of my recollection I have never discussed it with them.

Mr. DASH. You don't recall that at all?

Mr. MITCHELL. I don't recall that, no. I can only say that Mr. Dean was the conduit, was the party who acted between the two committees and came back and forth and discussed things with us so that whether——

Mr. DASH. Did you have any communication with Mr. Haldeman or Mr. Ehrlichman yourself during this period of time?

Mr. MITCHELL. Oh, I am sure I had numerous communications but I probably had to do with the running of the campaign, with other such matters rather than what Mr. Magruder might be testifying to.

Mr. DASH. Did it have anything to do with the so-called White House horror stories or the scandals you learned about from Mr.

Mardian and Mr. LaRue based on Mr. Liddy's statement, to back them up?

Mr. MITCHELL. You are talking about this time, you are talking before Magruder—

Mr. DASH. Before Magruder's testimony before the grand jury.

Mr. MITCHELL. Before Magruder's testimony before the grand jury. I would believe that during that period of time there were some discussions of the so-called White House stories, yes.

Mr. DASH. Was there—

Mr. MITCHELL. Horrors, I mean not stories.

Mr. DASH. Was there a concern expressed by you to Mr. Halde-man or Mr. Ehrlichman concerning whether stories would be revealed during this campaign?

Mr. MITCHELL. I think that we all had an innate fear that during the campaign that they might be revealed. I recall discussing it specifically in that area but I am sure we must have had a mutual concern about the subject matter.

Mr. DASH. Well, did you yourself form a personal position as to what should be done about revealing this material?

Mr. MITCHELL. I formed the opinion and a position that I did not believe that it was fair to the President to have these stories come out during his political campaign.

Mr. DASH. Were you aware that there was a program actually going on so as to actually prevent these stories from coming out?

Mr. MITCHELL. Now, which program are you talking about, Mr. Dash, so I can be sure to answer your question properly?

Mr. DASH. Well, a program on the part of yourself, Mr. Dean, Mr. Haldeman, Mr. Ehrlichman, and perhaps Mr. LaRue and Mr. Mardian to see to it that the information that got to the prosecutor or to the grand jury or to the civil suits did not in any way include this information concerning the so-called White House horrors, as you described them?

Mr. MITCHELL. Well, Mr. Dash, that is a very broad question and covers a lot of areas. I may answer it, perhaps, by saying that we sure in hell were not volunteering anything. In addition to that, we were involved in a very difficult series of civil litigation, as you know, that involved discovery and all the rest of it. So we were not volunteering anything.

Mr. DASH. But you say you did come to know that, prior to Mr. Magruder's testimony, that he was going to testify falsely?

Mr. MITCHELL. I think I can put it on the basis that I had a pretty strong feeling that his testimony was not going to be entirely accurate.

Mr. DASH. Right, and this discussion, I think you have already testified, was part of the discussion of some of the meetings with Messrs. LaRue, Mardian, Dean, and Magruder.

Mr. MITCHELL. That is correct.

Mr. DASH. Would it be correct—

Mr. MITCHELL. I think the best way to put it is that Mr. Magruder would seek an audience to review his story that he was going to tell, rather than somebody was trying to induce him to do so. I think Mr. Magruder has testified that nobody coerced him to do this, that he made up the story, that he did it of his own free will. So it was more of a basis

of Mr. Magruder recounting to these assembled groups what he was going to testify to.

Mr. DASH. But would it be fair to say, Mr. Mitchell, that it was in the interest of the group to have the story that did go into the grand jury and the ultimate indictments that did come out cut off at Liddy? And Mr. Magruder, who was in such a high position in the committee, would not be involved in that type of thing?

Mr. MITCHELL. Mr. Dash, I think you are jumping from one conclusion to another without the bridge. What we were really concerned about were the White House horror stories. Now, if the cutoff that you speak of helped in that direction, perhaps that was probably the case. In other words, Watergate did not have the great significance that the White House horror stories that have since occurred had.

Mr. DASH. Would you say that whatever coverup was taking place to this point, concealment and not volunteering information, had to do with actually preventing the so-called White House horror stories rather than Watergate break-in?

Mr. MITCHELL. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Mr. DASH. Well, did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, indicate that he had in fact informed them of the actions that had been taken—the strategies performed by your group?

Mr. MITCHELL. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Mr. DASH. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg, and other situations?

Mr. MITCHELL. Yes, and that was somewhere down the line, probably much later than the time frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

Mr. DASH. All right, now, let us look very briefly to the so-called wiretapping of the journalists and Mr. Kissinger's staff as a result of the SALT talk leaks. Were you aware of the leaking and those wiretaps?

Mr. MITCHELL. Mr. Dash, I find it hard to give you a specific answer other than the fact that, yes, I was. To what extent, I do not know. This happened in 1968 and they were national security wiretaps. They should have a full record of everything that was handled in the Department of Justice, because every security tap, whether it be a strict national security dealing with foreigners or whether it is the type that the court has since frowned upon, is filed in the Department of Justice.

Mr. DASH. But this would require your authority as Attorney General, would it not?

Mr. MITCHELL. I would believe that the FBI would probably not operate without it. I am not sure of that, but I believe that that would be the case.



Now, let me go on to point out two other things. No. 1, I do not recall there being that many people involved. I remember some members of the National Security Council that they thought were very much suspect.

The second point I would like to point out, which gives me memory problems, is that in the newspapers, counsel said that some of these were on for a year and a half or 2 years, or something to that extent. Well, we have a rule that I put in the Department that where they had these national security taps, they had to be reviewed every 90 days. So there again, I would have had a memory jog along the way if this be the case.

So what I am saying is that I think your best evidence is over in the Department of Justice and not my recollection.

Mr. DASH. Well, would the President's recollection be of assistance, Mr. Mitchell? Are you aware of the President's statement of May 22?

Mr. MITCHELL. I am aware of that reference in the statement of May 22. I do not know where the information came from. It may quite conceivably be correct. I brought the matter up through correspondence with Mr. Ruckelshaus and I thought I got very fuzzy answers back. But as I say, the evidence is in the Department of Justice and you ought to have access to it.

Mr. DASH. But you do recall that in that statement of the President, the President did say that these areas did have the approval and were selected, along with others, by the Attorney General of the United States, who was you at the time?

Mr. MITCHELL. Mr. Dash, I have seen a lot of statements that come out that—I am not referring to the President, but in which people who dig out the information frequently get their facts wrong.

Mr. DASH. This is a very important statement by the President on May 22.

Mr. MITCHELL. I thought Mr. Buzhardt's statement was quite important as far as I was concerned, too, but I think we found out what the distinction was there.

Mr. DASH. You are not suggesting Mr. Buzhardt prepared the May 22 testimony?

Mr. MITCHELL. I am not suggesting anything.

Mr. DASH. Did you believe, Mr. Mitchell—and I use the term belief at this point—have any belief as to whether the President was aware of the events either prior to or after the break-in of the Democratic National Committee headquarters? When I say events, I mean the actual bugging or the coverup which took place thereafter?

Mr. MITCHELL. I am not aware of it and I have every reason to believe, because of my discussions and encounters with him up through the 22d of March, I have very strong opinions that he was not.

Mr. DASH. How do you arrive at that conclusion? Was it by particular conversations with the President that he talked to you about this subject, or did you talk to him about this subject?

Mr. MITCHELL. No, it is primarily—I do not want to say no to exclude it, and I will explain the natures of the conversations, if you so desire. As a matter of fact, you may go through that list and I will get a chance to do them one by one. What I am saying is that I think

I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Mr. DASH. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

Mr. MITCHELL. Well, I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

Mr. DASH. Well, now, Mr. Mitchell, you did become aware, as you have indicated, somewhere around June 21 or 22, when you were briefed or debriefed by Mr. LaRue and Mr. Mardian about the so-called—as you described it, the White House horrors of the Liddy operation and the break-in. Did you, yourself, as the President's adviser and counselor, tell the President what you knew or what you learned?

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. Why didn't you?

Mr. MITCHELL. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.

Mr. DASH. Could it have been actually helpful or healthy, do you think?

Mr. MITCHELL. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.

Mr. DASH. Then it is your testimony that you in fact did not say anything to the President at that time—

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. So whether the President had any knowledge of it, it certainly couldn't have come from, his lack of knowledge or knowledge, from any statement that you made to him?

Mr. MITCHELL. That is correct, Mr. Dash.

Mr. DASH. Now, were you aware of the fact that actually prior to Magruder's testimony, Mr. Dean rehearsed Mr. Magruder for his testimony before the grand jury?

Mr. MITCHELL. I do not recall that, Mr. Dash, if you are talking about the testimony that took place on the—

Mr. DASH. In August.

Mr. MITCHELL. In August, the second appearance.

Mr. DASH. The second appearance.

Mr. MITCHELL. I am not aware of that.

Mr. DASH. Then prior to Magruder's third appearance, which dealt with the diaries and the meetings in your office, were you aware or do you recall the meeting between you, Magruder, and Dean, in which a discussion was had concerning how to handle that testimony and how he was to testify in some of those meetings?

Mr. MITCHELL. Well, it wasn't a question so much of how to handle the testimony; it was a question of what the recollection was. That, as I recall, Magruder's testimony had to do with the destruction of diaries that were already in the possession of the grand jury. But I think Mr. Dean's testimony is a lot closer to the recollection that I have of the meeting. It was a question of what was the purpose of it, who was there, and what could be said about it to limit the impact of the whole—

Mr. DASH. And did Mr. Magruder indicate that he was not going to testify concerning any intelligence plans, but would testify that he was there to discuss the election laws.

Mr. MITCHELL. Well, the election laws were discussed and I think the result was that he would limit it to the election laws.

Mr. DASH. And you were aware, then, in December that he would testify not completely, if not falsely, concerning the meetings on January 27 and February 4?

Mr. MITCHELL. Well, that is generally correct. As I say again, this is something that Dean and I were listening to, as to his story as to how he was going to present it.

Mr. DASH. Well, wasn't it the result of your effort or program to keep the lid on? You were interested in the grand jury not getting the full story. Isn't that true?

Mr. MITCHELL. Maybe we can get the record straight so you won't have to ask me after each of these questions: Yes, we wanted to keep the lid on. We were not volunteering anything.

Mr. DASH. As a matter of fact, would it not be fair to say, Mr. Mitchell, that the most consuming issue that occupied you and some of those you were meeting with at this time was exactly the question of keeping the lid on during the—

Mr. MITCHELL. No, I wouldn't say that was correct, Mr. Dash. There were many other political activities that took place and, of course, we probably spent more time in connection with the civil litigation than we did in connection with this particular aspect of it.

Mr. DASH. Well, did you become aware at this time—in July or August—that payments were being made to defendants and support for the family?

Mr. MITCHELL. I became aware in the fall sometime, and I can't tell you when it was. Probably it was a time in which one individual stopped making the payments and the other individual took it up, whatever time reference that was.

Mr. DASH. And did you know that Mr. Kalmbach had been involved in that at all?

Mr. MITCHELL. I had learned that, yes.

Mr. DASH. Did you also learn that in September, he had decided not to be involved any more and that Mr. LaRue took up the responsibility of landing the funds, making payoffs?

Mr. MITCHELL. Yes, sir.

Mr. DASH. Now, when did you leave your position as the director of the campaign?

Mr. MITCHELL. On the 1st of July 1972.

Mr. DASH. And when you left, you were aware, were you not, that Mr. Magruder was staying on as deputy director of the campaign.

Mr. MITCHELL. Yes, he stayed on as Mr. MacGregor's deputy.

Mr. DASH. And were you not aware when you were leaving that Mr. Magruder at least faced some serious problem of being indicted on the break-in of the Democratic National Committee headquarters as of July 1?

Mr. MITCHELL. As of July 1? I think that was a potential, yes.

Mr. DASH. Now, you did meet with the President on June 30, 1972, just before you left. As I understand, you had lunch with the President.

Mr. MITCHELL. That is correct, sir.

Mr. DASH. Did you think it your duty to tell the President at that lunch before you left that the man who was playing such a key role in his campaign, Magruder, had such a problem that he might be indicted for the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. Mr. Dash, I think you and I have gone over to the point where we have established that the White House horror stories had come out in connection with the problem at that particular time and there wasn't the question of lifting of the tent slightly in order to get with respect to one individual or another; it was a keeping the lid on and no information volunteered.

Mr. DASH. Even if the lid had been kept on the so-called White House horrors, wouldn't it be very embarrassing to the President of the United States in his effort to be reelected if his deputy campaign director was indicted in the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. I don't think as far as the Watergate was concerned, there was a hell of a lot of difference between the deputy campaign director and the counsel for the finance committee and the security officer. Quite frankly, as far as the Watergate was concerned, that was already a public issue. It was the parties that were involved.

Mr. DASH. There came a time, did there not, Mr. Mitchell, that the pressures for money by the defendants or by Mr. Hunt increased?

Would you tell us what you know about that?

Mr. MITCHELL. Well, I am not sure, Mr. Dash, that I can tell you very much about them other than the fact that somewhere along in the fall, Mr. Hunt had a telephone conversation with Mr. Colson, which, I think, covered the subject matter and then later on, as I recall, Mr. Dean has got in the record a letter from Mr. Hunt to Mr. Colson, which I think is quite suggestive of the fact that he was being abandoned.

Then I heard later on, in March of this year, there were oral communications from either Hunt or his attorney relating to requests for legal fees and so forth, which were communicated to the White House.

Mr. DASH. How did you hear about the March request?

Mr. MITCHELL. The March request? I think I probably heard about it through Mr. LaRue, if my memory serves me right.

Mr. DASH. Do you know how much money was actually being requested at that time?

Mr. MITCHELL. I can't really tell you about the moneys across this period of time. It seems to me that the March request had some amount in the area of \$75,000 which Mr. LaRue described to me, that was being requested by counsel for their legal fees in connection with the representation of Mr. Hunt.

Mr. DASH. Did Mr. LaRue ask you what your opinion was or whether he should pay that amount of money to Mr. Hunt or his counsel?

Mr. MITCHELL. Mr. LaRue, to the best of my recollection, put it in this context: I have got this request, I have talked to John Dean over at the White House, they are not in the money business any more, what would you do if you were in my shoes and knowing that he made prior payments? I said, if I were you, I would continue and I would make the payment.

Mr. DASH. And in that advice to Mr. LaRue, I take it, was the consideration that unless that payment was made, Mr. Hunt might in fact uncover the so-called White House horror stories.

Mr. MITCHELL. Mr. Dash, I don't know how you can move from the fact that Mr. LaRue told me that it was for legal fees to the point where we are uncovering the White House horror stories. It may be there. I don't know.

Mr. DASH. Didn't that enter your mind, the pressure from Mr. Hunt, the fact that you indicated there were requests and former pressures for money, to the—

Mr. MITCHELL. I don't think, Mr. Dash, that in March of 1973, those things were entering my mind, because I think as you are well aware from other testimony, I had refused to even consider raising money for these purposes a long time before that.

Mr. DASH. But you are aware that there was a sum of money available for that at the White House, were you not?

Mr. MITCHELL. I was aware that there had been one at one time, but I didn't know how far Liddy had gotten into that particular fund.

Mr. DASH. Since the \$350,000 had come over from the Committee for the Re-Election of the President to the White House—

Mr. MITCHELL. That is the only fund I was aware of, yes.

Mr. DASH. Why, Mr. Mitchell, did you refuse around that time to raise any money for the payment of these fees?

Mr. MITCHELL. Well, not only around that time, but all other times. I have never raised any money for anything and I was not about to start for that particular purpose.

Mr. DASH. Did you ever make any suggestions that the money that should be used for that purpose was the \$350,000?

Mr. MITCHELL. No, to the best of my recollection, I had a conversation with Mr. LaRue, I am sure at his instance, not mine, in which he pointed out that the funds, whatever source they were, that he had for the support of and the payment of lawyers' fees of these individuals, had run out, did I know whether there was any other money? And I suggested that maybe you ought to call over to the White House and see if the \$350,000 that had been sitting over there since April was available for the purpose. I understand that he did so.

Mr. DASH. Do you recall attending a meeting in January with Mr. Kalmbach and Mr. Dean in which you asked Mr. Kalmbach to help raise money for these legal fees and support of families? That occurred in January 1973.

Mr. MITCHELL. In January 1973. Since our conversation of yesterday, Mr. Dash, I have continued to rack my brain and I have no recollection of that. I know that there was a meeting on that day, January 19, a foundation meeting over here in Blair House, in which both Mr. Kalmbach and Mr. Dean were there. But I have no recollection of any meeting beyond that.

Mr. DASH. Now, did you become also aware of Mr. McCord's demands and were you in touch with Mr. Dean concerning Mr. Caulfield's approach to Mr. McCord?

Mr. MITCHELL. Somewhere through the middle of it, because I was in Florida for sometime, I think the 20th of December through the 8th or 9th of January, while a lot of this was occurring—

Mr. DASH. What role did you play? What did you learn?

Mr. MITCHELL. I learned that Mr. Dean had Mr. Caulfield contacting Mr. McCord and talking to Mr. McCord.

Mr. DASH. About what? Do you know about what?

Mr. MITCHELL. About what Mr. McCord's attitude was concerning the predicament that he was in and what he was going to do.

Mr. DASH. At that time, did you hear that Mr. Caulfield had been authorized to promise some form of Executive clemency to Mr. McCord?

Mr. MITCHELL. I don't believe so. I think the only conversations that I had heard about Executive clemency had to do with Mr. Colson and Mr. Hunt.

Mr. DASH. Well, what was that, to the best of your recollection?

Mr. MITCHELL. To the best of my recollection, it was that somewhere along the line, and I gather that that would be in 1973, early 1973, there were discussions of whether or not Mr. Hunt—well, I gather he had approached Colson, or through his lawyer had approached Colson on the subject matter. The essence of it was that Mr. Colson's word was the only word that Mr. Hunt would take with respect to Executive clemency, whatever that meant. That is the subject and substance of my overhearing of discussions on Executive clemency.

Mr. DASH. Now, Mr. Mitchell, you became aware, apparently, that after the election and after the questions concerning the funds that were being used by Mr. Hunt and Mr. McCord's concern, that whatever you discussed as keeping the lid on might become uncovered. Did that, sometime around December or January, occur to you?

Mr. MITCHELL. Well, it always occurred to me, the possibility that the so-called lid would become uncovered. Of course, I always hoped that it didn't, for the very simple reason that there was no necessity of scaring the President, who was not involved, through his White House activities or the activities in the White House.

Mr. DASH. But the real possibility of it becoming uncovered, now that the election was over, could not affect his election.

Mr. MITCHELL. No, it would not affect his election but it would affect his Presidency, Mr. Dash.

Mr. DASH. But you were aware, and I think from your own statement that the President was unaware, and you had personal knowledge or knowledge of information you had received from others of certain activities, that if they did become known publicly, could either injure or destroy the President's second administration. After the election, did it occur to you to tell the President then?

Mr. MITCHELL. Well, I am sure it occurred to me and probably on hindsight I probably should have. I do not think there is any doubt about it.

Mr. DASH. Did you not think it was the President's prerogative to know what to do about these matters?

Mr. MITCHELL. The decision had to be made, and it is a tough one, whether or not he is not involved in it but he does not know about them, will this go away. I knew they were going to change the personnel in the White House and hopefully they would be gone and he would not have to deal with it and he could go on to his second term, the second Presidency, without this problem.

Mr. DASH. But you were taking a major risk, were you not, Mr. Mitchell?

Mr. MITCHELL. I think you are taking a major risk any time you have to deal with the White House horrors under any circumstances.

Mr. DASH. Now, you spoke to the President quite frequently on the telephone, you met with him, your logs indicate, so you did have plenty of opportunities, and on no occasion, I think it is your testimony, did you speak to the President about these matters?

Mr. MITCHELL. Now, which matters are we talking about?

Mr. DASH. Again, the White House—

Mr. MITCHELL. About disclosing these matters.

Mr. DASH. Disclosing the matters, the White House horrors, the break-in.

Mr. MITCHELL. I did not—well, let us not pass this over to the point where—on the 20th of June when I talked to him I apologized to him for not knowing what the hell had happened and I should have kept a stronger hand on what the people in the committee were doing, et cetera. And then, further on down the road in these political meetings that are shown on the logs, there were discussions about appointing a commission of the type of the Warren commission to investigate this matter, and special prosecutors and things like that. I do not want to leave the impression that it was never touched under any circumstances.

Mr. DASH. I am not talking about when you talked about Watergate as such. I am talking about the so-called coverup, the White House horrors and what your own knowledge, based on information given you, as to who was involved in the break-in of the DNC.

Mr. MITCHELL. I answered that I did not talk to him about it.

Mr. DASH. I know, but on the 20th—

Mr. MITCHELL. I also answered in hindsight it probably would have been a better idea if I had.

Mr. DASH. Now, also on March 27 did Mr. Magruder come to see you in New York?

Mr. MITCHELL. Yes, sir, he did.

Mr. DASH. And do you recall that he testified that he came because he began to be aware or concerned that things might unravel and, therefore, wanted assurances from you that he be taken care of. Do you recall that?

Mr. MITCHELL. I recall very well, Mr. Dash, because of the fact that there was, based in the McCord letter to Judge Sirica, and Mr. Magruder wanted to talk to me about the potentials of his being brought back before the grand jury on a perjury count.

Mr. DASH. Did you promise him at that time, as he testified, that to the best of your ability, though you no longer were in office, you would help him to either get Executive clemency, support, or rehabilitation, any of the things we have been asking about?

Mr. MITCHELL. Let us take Executive clemency. No, I have never promised that to anybody. Obviously, there is no basis upon which I could.

With respect to, you were talking about support and so forth, what I told Jeb Magruder was that I thought he was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so.

And this was exactly the same conversation that we had the next day down at Haldeman's office.

Mr. DASH. Did Mr. Magruder then ask for that meeting with Mr. Haldeman?

Mr. MITCHELL. Oh, yes.

Mr. DASH. Did he feel he needed that assurance from somebody still in the White House?

Mr. MITCHELL. That is right.

Mr. DASH. And met with Mr. Haldeman on the 28th of March?

Mr. MITCHELL. 28th of March, that is correct.

Mr. DASH. What kind of assurances were being sought by Mr. Magruder there and what was being given to him?

Mr. MITCHELL. Mr. Magruder was again concerned—well, he did not express it too directly—that he thought he might become the fall guy. It seems to me that everybody around this town involved in this all thought they were going to become a fall guy.

Mr. DASH. Did you, Mr. Mitchell?

Mr. MITCHELL. Did I? No. Contrary to the story that I have read I did not believe that to be the case. I am quite anxiously waiting to see if there is some possibility of that other than some misguided counsel who wrote a piece of paper from which cross-examination was to be made.

Mr. DASH. Getting back to Mr. Haldeman and Mr. Magruder's meeting with you on March 28—

Mr. MITCHELL. Yes, it was the same general discussion, "I may have problems with my perjury, I don't have any money, am I going to be deserted, are you people still going to be friends, will I be able to get counsel," and this type of conversation.

Mr. DASH. Did Mr. Haldeman make any kind of promises to Mr. Magruder at that time, in your presence?

Mr. MITCHELL. None other than the fact to help him as a friend and I think Mr. Haldeman has testified to that.

Mr. DASH. Now, did you ever have a meeting with Mr. Magruder and Mr. Dean after that meeting with Mr. Haldeman?

Mr. MITCHELL. Yes sir.

Mr. DASH. What was that meeting about?

Mr. MITCHELL. Well, this was held at Magruder's request because he again was concerned about this perjury question that he might have, and the meeting was a quick runthrough again of the recollection of the individuals as to what was discussed prior to Mr. Magruder's third appearance before the grand jury back in September.



Mr. DASH. Did you agree at that time, Mr. Mitchell, that you would hold the line, at least, if you were called, to limit the meeting to a discussion of the election laws?

Mr. MITCHELL. No, that was not the basis, to hold it to the election laws, Mr. Dash. The basis of it was for the recollection of what had happened and how it would have affected Mr. Magruder in perjury. You see, if you go back Magruder had said there only had been one meeting when there actually had been two, and so forth. It wasn't a question of holding the line on anything. It was a question of the recollection of what actually did happen vis-a-vis what Magruder apparently had testified to.

Mr. DASH. He was obviously concerned as to what your position was going to be if you were called before the grand jury. Did you make any assurances to Mr. Magruder at that time?

Mr. MITCHELL. Any assurances as to what?

Mr. DASH. How would you testify before the grand jury if you were called as to the meetings?

Mr. MITCHELL. I made no assurances as to how I was going to testify. Obviously I was going to testify as to what happened.

Mr. DASH. Did Mr. Dean make any assurances?

Mr. MITCHELL. Mr. Dean had a very hazy recollection of what had happened. Obviously, as I think Mr. Dean testified, he didn't want to discuss the matter. He had already, of course, gone to counsel and was looking after Mr. Dean's problems.

Mr. DASH. Did you learn during April that Mr. Magruder and Mr. Dean had gone to see the prosecutors?

Mr. MITCHELL. I learned about Mr. Magruder, I didn't learn about Mr. Dean.

Mr. DASH. And were you personally aware of Mr. Dean's meetings with the President in March and April that he testified to before this committee?

Mr. MITCHELL. Only the meeting of March 22 at which, of course, I was present.

Mr. DASH. What I am talking about are the meetings of September 15, 1972, the meeting of February 28.

Mr. MITCHELL. Now, Mr. Dash, you are talking about 1972.

Mr. DASH. The meetings of September 15, 1972, with the President, February 28, 1973, March 13, 1973, and March 21. Are you aware of those meetings?

Mr. MITCHELL. Let me put it this way. The only meeting that I was aware of, of Mr. Dean and the President, was the one I attended on March 22.

Mr. DASH. At that meeting was there any discussion by the President, by you or by Mr. Dean, concerning the Watergate, either coverup or who may be involved in an indictment or anything like that on the 22d?

Mr. MITCHELL. None whatsoever. The total discussion had to do with the White House's response to this committee, and I think it was prompted, or at least that was my understanding at the time, it was prompted by the fact that the President was getting a pretty good knocking around in the press on the question of executive privilege. I believe it arose with respect to the Gray hearings but it certainly was to be applicable to this committee's hearings.

Mr. DASH. Well, just a couple of more questions, Mr. Mitchell: I think you have testified already, and quite frequently, that you did not personally inform the President of any of these so-called White House horrors or the efforts to keep the lid on and the Plumbers activities, is that correct?

Mr. DASH. Are you personally aware of anybody else having any conversation with the President concerning these activities?

Mr. MITCHELL. Not in my presence. I am not aware of anybody ever having reported to me that they have had.

Mr. DASH. Likewise it is your testimony that the President did not discuss these events or the coverup with you or, to your knowledge, with anyone else?

Mr. MITCHELL. If I understand your question——

Mr. DASH. To your knowledge.

Mr. MITCHELL [continuing]. He has not discussed them with me; to my knowledge, the answer is that is correct.

Mr. DASH. To your knowledge.

Therefore then, Mr. Mitchell, I am briefing your testimony at this time before the committee. Is it not fair to say or is it not true that, according to your testimony, you are not in a position to state to this committee of your own knowledge whether the President in fact knew or did not know of the break-in or the bugging of the Watergate or the coverup efforts that took place after June 17, 1972?

Mr. MITCHELL. The only thing that I can state to my own knowledge, Mr. Dash, is that so far as I know he does not know of either of those circumstances.

Mr. DASH. But that statement is not made on any information the President told you or you told the President or anybody told you about what the President knows?

Mr. MITCHELL. Would you repeat that again?

Mr. DASH. I say that statement you have just made is not based on anything the President told you specifically, anything you told the President, anything anybody told you that he had told the President?

Mr. MITCHELL. I understand the thrust of your question. That is correct. It is based solely on my association with the President and not conversations on the affirmative side of the subject matter.

Mr. DASH. I have no further questions.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:10 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

#### AFTERNOON SESSION, TUESDAY, JULY 10, 1973

Senator ERVIN. The committee will come to order. Mr. Thompson

Mr. THOMPSON. Mr. Mitchell, you have testified concerning the so-called 1970 plan or the Huston plan or the Huston project, and then in answering questions from Mr. Dash you went into talking about what is known as the Plumbers project in the White House. Would you say that the Plumbers in the White House, as you now know them to be, was a logical extension of this 1970 plan which was evidently rescinded?

Mr. MITCHELL. I would not say so, Mr. Thompson, because of the time frame intervening and also the consideration of the Interagency Evaluation Commission—Committee—in the meantime. I think that was somewhat of a self-starter later on caused by events and if I would have to guess, without knowing, it was probably generated about the time of the Pentagon Papers. Now, these are opinions I am giving to you. I have no knowledge on it.

Mr. THOMPSON. You mentioned a field for need of coordination between the intelligence-gathering agencies, is that correct?

Mr. MITCHELL. Yes, sir, I do.

Mr. THOMPSON. Was this just in the White House or was this also in the intelligence community?

Mr. MITCHELL. Well, it was in parts of the intelligence community and it certainly was in the Justice Department. We, as I think I mentioned this morning, found that we were receiving intelligence from quarters where we might not have expected it in connection with anticipation of violent acts in connection with demonstration and at other times just pure violent acts. I mentioned the Alcoholic Tax and Firearms Bureau which had, I thought, quite a very competent intelligence capacity certainly, in connection with some of the problems that we had in the Justice Department. I know that Mr. Hoover and Mr. Helms had broken off their liaison that they had established in connection with the CIA and the FBI. There was great interest in finding a vehicle to reestablish that in a meaningful way, and so that basically the implementation of the Interagency Evaluation Commission was to take personnel from the different intelligence-gathering areas, put them into one room where they could sort out and exchange ideas and, of course, evaluate what intelligence they had. One of the problems that I found in Government was that there was very frequently a great deal of collection of intelligence but the evaluation and dissemination lacked a great deal.

Mr. THOMPSON. Then, was this need for better coordination because of problems that the agencies themselves were having internally or was it because of external considerations, or both?

Mr. MITCHELL. Well, I think I can best answer that to point out that there were many events that happened in this country, including the bombing of the Capitol and other such events that, if we had had appropriate intelligence in advance, we might have been able to prohibit it. I know that in connection with many of the large demonstrations that we had in Washington, while 99 percent of those people who came, came for peaceful protest and to petition their Government, that there was always that lunatic fringe that was bound to and determined to thrash the place and cause damage, and if we had had better intelligence in some of these areas, and I am not excluding them to those but in other areas, but perhaps a great deal of that could have been prevented. That was the basis upon which the Interagency Evaluation Committee was considered in concept and put into place.

Mr. THOMPSON. Let me leave that for a moment and invite your attention to the November 24, 1971, meeting which I believe you had with Mr. Liddy and Mr. Dean when Mr. Dean brought Mr. Liddy to your office.

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. And I believe introduced him to you. I believe your response to questioning this morning was to the effect that at that time you were not aware that Mr. Liddy was to be involved in intelligence activities as such but that later on you understood that he would be.

Mr. MITCHELL. No; I don't think that is quite true, Mr. Thompson. What I referred to was the Liddy prospectus about his job description at that time, which was one of the Dean exhibits, had a one-line reference to it in connection with gathering of information of intelligence or whatever it might be.

Mr. THOMPSON. Just the one line. Do you recall any discussion about that?

Mr. MITCHELL. I don't. As a matter of fact, it is one sentence, not one line.

Mr. THOMPSON. Do you have that before you?

Mr. MITCHELL. This is exhibit 11\* of the Dean exhibits. I don't know what committee exhibit it might be.

Mr. THOMPSON. And you don't remember any discussion about that at the time?

Mr. MITCHELL. No, sir; the meeting didn't last long enough.

Mr. THOMPSON. Did there come a time between that time and the meeting on January 27 when you became aware, or had a greater understanding as to what his role would be in the intelligence field?

Mr. MITCHELL. Well, I might say that sometime during early December, before Liddy was hired by the Committee To Re-Elect the President, Mr. Krogh brought Liddy over, and I may have been—along with other people to discuss the Drug Abuse Law Enforcements in which he had been working and which was my knowledge of Mr. Liddy's activities in the White House. I do not recall any meetings, and I am sure they didn't take place, in which Liddy's intelligence activities were discussed. It could very well be that Mr. Magruder, Mr. Dean who I understand did have meetings during that period with Mr. Liddy may have made reference to the fact that he was gathering intelligence.

Mr. THOMPSON. Mr. Krogh brought him to your office, you say, in December, you think, of that year?

Mr. MITCHELL. Yes, sir; I can give you the exact date if you wish.

Mr. THOMPSON. Do you recall right offhand whether it was before or after he went to the Committee To Re-Elect?

Mr. MITCHELL. Well, I believe it would have to be before he went to the Committee To Re-Elect because he was working on this DALE program, the drug program.

Mr. THOMPSON. All right.

Mr. MITCHELL. It is December 9, 1971. And there had been, of course, a series of meetings all over the Government, including the White House, the Justice Department, HEW, and other places preliminary to setting up the Drug Abuse Law Enforcement program.

Mr. THOMPSON. I believe you testified that you did not know at the time of your meeting on November 24 what Mr. Liddy had done at the White House, any involvement he had with the Plumbers group in the White House or anything of this sort; is that correct?

\*See exhibit No. 34-13, p. 1150, Book 3.

Mr. MITCHELL. That is correct. It was 6 months later before I learned of the so-called Plumbers activities.

Mr. THOMPSON. Were you even aware that he worked at the White House at that time?

Mr. MITCHELL. Yes, because he was brought over with Mr. Krogh—

Mr. THOMPSON. I am talking about November 24?

Mr. MITCHELL. Yes, I was aware he was at the White House because it was so represented at that meeting.

Mr. THOMPSON. Whose office did you understand that he was working in?

Mr. MITCHELL. He was working under Mr. Krogh's aegis in connection with the drug program over there.

Mr. THOMPSON. All right. Did you know of any other activities that Mr. Krogh had at that time?

Mr. MITCHELL. Yes; he was very much involved in the White House relationship with the District of Columbia here. In fact, he was their prime contact. But as far as his activities in the area which has since been developed and become common knowledge, I had no such ideas.

Mr. THOMPSON. I see.

When you met with Liddy and Krogh in December did you inquire of Mr. Krogh then or did you have any discussion as to the nature of Liddy's work at the White House involving any of the Plumbers?

Mr. MITCHELL. None whatsoever. We discussed entirely the DALE program, to the best of my recollection.

Mr. THOMPSON. That seems like Mr. Krogh knew what he was doing and it seems like you were being placed in a potentially embarrassing position by even allowing Mr. Liddy to be presented to you, considering the nature of his prior activities.

Did not anyone who knew Mr. Liddy's prior activities mention the fact to you that you were about to take a man in an important position of the campaign who had engaged in some of these—

Mr. MITCHELL. None whatsoever. As a matter of fact, Mr. Liddy was quite actively involved in the establishment of this DALE program which, as you probably know, relates to law enforcement through the use of the courts, grand juries, and so forth and, as I understood that at the time, that was one of the reasons that Liddy was brought into the Krogh operation and the Ambrose operation and helped setting that up was because he had been a former assistant prosecutor who did have knowledge with respect to the functioning of grand juries.

Mr. THOMPSON. I believe you made the decision there on November 24 that if it was all right with Magruder that it was all right with you for—

Mr. MITCHELL. I think that is the general tenor in which it was represented.

Mr. THOMPSON. Whose representations were you relying on, you didn't know the man before, you just met him: Mr. Dean's?

Mr. MITCHELL. I was relying on the representations that were made to me with respect to the background of the individual involved.

Mr. THOMPSON. Who made those representations?

Mr. MITCHELL. I am sure they were made by Mr. Dean and by Mr. Liddy with respect to what his background was then.

Mr. THOMPSON. Neither of them mentioned anything having to do with his previous Plumbers activities.

Mr. MITCHELL. No, sir, I can assure you of that.

Mr. THOMPSON. All right.

Mr. Mitchell, you mentioned in your testimony this morning, or implied, I believe would be a fair way to state it, that perhaps someone prevailed upon Mr. Magruder to supersede your orders. I believe you have made public statements that you would like to know who sent Mr. Magruder back again and again with this thing that you didn't want to come about. I know you don't like to engage in speculation with regard to other people but these are things that you volunteered. I was wondering if you could enlighten us a little bit more based upon your prior experience in your relationship with the people in the White House, and things that have occurred since the break-in as to this being a case—of course, Mr. Magruder was a young man, an individual who was a team player evidently—can you shed any light on who it might have been who was doing this?

Mr. MITCHELL. Well, Mr. Thompson, this would be purely an opinion and would involve people's reputations. I think if you go back to the testimony of Mr. Dean relating conversations that he had both with Mr. Magruder and otherwise I think that that probably is a better answer to the question than my hypothecation or guesstimate at this particular time.

Mr. THOMPSON. What part of Mr. Dean's testimony are you referring to?

Mr. MITCHELL. Well, there are quite a number of areas and I cannot give you the page numbers, but they have in two areas. No. 1, what Mr. Magruder told Mr. Dean personally and what Mr. O'Brien told Mr. Dean that Magruder had told him. And then, of course, there are the statements that Magruder himself made about the telephone calls from Mr. Colson, Mr. Howard, et cetera. I think that those areas of testimony would probably be a great, a better source of information than my conjecture.

Mr. THOMPSON. I think I see what you mean and I do not want to try to draw names out that you do not want to present, but you have just presented one name. Would it be your opinion, if you care to give us your opinion, as to whether or not it might have come from more than one source?

Mr. MITCHELL. It is always conceivable.

Mr. THOMPSON. Do you have any reason to believe that it was either one source or more than one source?

Mr. MITCHELL. No, I have no ability to weigh the potentials for the sources of concern in this area.

Mr. THOMPSON. Knowing Mr. Magruder, what kind of pressure would he have responded to to take an action which, of course, would have been a serious matter; to supersede the orders of his superior? Would anyone in the White House, for example, do you think, with any kind of authority, have so impressed him that he would have superseded your orders and acceded to their wishes?

Mr. MITCHELL. I am sure it could not have been anybody in the White House. It must have been somebody in the White House with which he had a working relationship which he thought perhaps was in

the interest of the campaign or somebody who had what you might refer to as superior authority.

Mr. THOMPSON. A working relationship during the campaign or prior to the campaign?

Mr. MITCHELL. No; I would put this very much on the basis of a working relationship during the campaign that goes to some of the testimony here of the people who have evidenced an interest in this intelligence-gathering field.

Mr. THOMPSON. Of course, there were many people in the White House involved in the campaign, were there not?

Mr. MITCHELL. What is your question, were there many people?

Mr. THOMPSON. Yes.

Mr. MITCHELL. I believe that the record shows there were quite a few.

Mr. THOMPSON. Maybe too many people, would you think?

Mr. MITCHELL. At times, that was my opinion.

Mr. THOMPSON. You were discussing some of Mr. Reisner's testimony this morning with Mr. Dash, with regard to the Gemstone documents. I have here, verbatim, Mr. Reisner's testimony. I would like to ask you a couple of questions after I read that. I believe Mr. Reisner was talking about Mr. Magruder handing him certain documents.

"I was handed the documents and I was asked to put them in Mr. Mitchell's files. The nature of that is that things that Mr. Magruder might have wished to take up with Mr. Mitchell were put in the file marked 'Mr. Mitchell's file' and that does not indicate any more than that."

Were you aware that Mr. Magruder was keeping a file marked "Mr. Mitchell's file."?

Mr. MITCHELL. Well, Mr. Thompson, I think I can best explain that as that during my busy schedule, when Mr. Magruder could get in to see me, as special assistant, where he was the clearing house for memorandums from other people, that he would have more than one item normally, to discuss. They would be in the folder. Frequently, we would sit and discuss them and he would take them back. Others, if they were long position papers on matters, he would leave them with me to read. If that is a Mitchell file, that is the jacket in which he brought the materials into the office.

Mr. THOMPSON. Did he ever leave such a file with you for any period of time?

Mr. MITCHELL. Not as a file. He would leave from time to time position papers, certainly.

Mr. THOMPSON. So as far as you are concerned, your remembrance is that the Mitchell file was not in fact your file, but his file which he was using to bring documents to you?

Mr. MITCHELL. The only thing that I can identify it as is a folder in which he brought up these memorandums to the office.

Mr. THOMPSON. What color was it, if you recall?

Mr. MITCHELL. I do not recall, sir.

Mr. THOMPSON. You never saw any Gemstone documents that you remember?

Mr. MITCHELL. No, sir.

Mr. THOMPSON. In retrospect, would there be any materials that were a product of electronic surveillance without your knowing that they were?

Mr. MITCHELL. No; I would believe that electronic surveillance, after my experience in the Justice Department—I do not know in what forms they are; I have not seen them to this date. But after my experience in the Justice Department, I think I would have a pretty good idea of what the source of it might have been, unless it was totally disguised.

Mr. THOMPSON. So Mr. Magruder was in effect pushing Liddy and he did come into possession of these documents and he was either doing it, I suppose, for his own benefit or somebody else's benefit. I mean that seems to be patent on its face, doesn't it?

Mr. MITCHELL. Well, it was probably that whoever was doing it, it was in the misguided concept that it was in the interests of the campaign. But as I have observed before, I couldn't conceive of what would be in the Democratic National Committee on the 30th of May or the 17th of June that would be in the interest of the process of the campaign of the reelection of the President at that particular time. It just doesn't make any sense to me.

Mr. THOMPSON. At the time that the break-in occurred, what was your professional political judgment as to how the President stood with regard to his chances for reelection?

Mr. MITCHELL. Well, we go back to the middle of June and, of course, he had improved substantially from his previous lows vis-a-vis the then front runner, Senator Muskie. That looked like he was on the ascendancy.

Mr. THOMPSON. Had not some polls indicated that, at one time or another, Mr. Muskie was ahead of Mr. Nixon?

Mr. MITCHELL. Yes; but I believe, if my recollection is correct, that this was somewhat earlier than in June.

Mr. THOMPSON. You didn't consider him in trouble at that time?

Mr. MITCHELL. When you are running a campaign, you consider anybody who is likely to get the nomination against your candidate, you may have a substantial amount of trouble with them, particularly when you look at the basis of the registration of Democrats vis-a-vis Republicans and I am sure all of you gentlemen are aware of that factor.

Mr. THOMPSON. The extent of the problems you might visualize might have something to do with the measures you might take to confront it, would it not?

Mr. MITCHELL. I am not sure I understand the thrust of that question.

Mr. THOMPSON. Well, I would think that if you thought you had the nomination or the election locked up, that you would sit back and take no chances whatsoever, any person running a campaign, if you could avoid them. On the other hand, if you considered yourself in trouble, you might take risks that you would not otherwise take. I am not even saying necessarily illegal risks.

Mr. MITCHELL. They are both hypothetical questions as of June 17 with respect to the first one. I don't believe that anybody thought the election was locked up, certainly with respect to the time element of June 17, with the potentials of the people that might become the Democratic candidate at the convention that was taking place in July. There were a great deal of uncertainties as to who the candidate might be



and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re-Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Is that a correct—

Mr. MITCHELL. I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL. I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.

Mr. THOMPSON. Is it just a case of not having asked you the right question?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20, I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories, I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

Mr. MITCHELL. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir, I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them with Mr. Halde-  
man?

Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?

Mr. MITCHELL. Not in that time frame. I am sure they were discussed substantially later dates.

Mr. THOMPSON. In 1973?

Mr. MITCHELL. Well, yes, possibly before the end of 1972, certainly in 1973.

Mr. THOMPSON. At this time did you know of Hunt's involvement? Did Liddy tell them about Hunt's involvement?

Mr. MITCHELL. Yes; I believe he did. In fact, I am sure he did.

Mr. THOMPSON. So, in effect, what you are saying is that you were basing your later activities concerning Magruder's testimony and concerning the payments and these sorts of things as embarrassment upon the hearsay information of this man that presented these outlandish and wild-eyed proposals in your office. It would seem like you would want some verification from him.

Mr. MITCHELL. Let us back up, Mr. Thompson, a little bit. You are jumping from the 21st or 22d of June all the way to knowledge that I obtained in the fall and I keep reminding you that Mr. Dean was also aware of these factors and was discussing them with me and with other people. We are talking about the White House problems now, is that what you are having reference to?

Mr. THOMPSON. Yes, sir.

Mr. MITCHELL. So it was not just what Mr. Liddy had told Mr. Mardian and Mr. LaRue on the 20th, 21st, and 22d of June. There were further affirmations of the facts that came out of the White House from Mr. Dean.

Mr. THOMPSON. Such as what, concerning these matters that we have been discussing?

Mr. MITCHELL. Well, as I said a minute ago one of the things that I did not believe that Mr. Liddy had any reference to in the Mardian-LaRue Diem briefing was the papers and how they had been handled.

Mr. THOMPSON. Did Mr. Dean verify this to you?

Mr. MITCHELL. Mr. Dean so stated, he did not show me the spliced cables but he told me about the circumstances.

Mr. THOMPSON. But as early as June the money started flowing, the payments started flowing and, of course—

Mr. MITCHELL. Well, now, you are assuming, Mr. Thompson, I was aware of it.

Mr. THOMPSON. Well, I will ask you when you first became aware of—

Mr. MITCHELL. As I said this morning, it was much later than that and I believe it was at the time that Mr. Kalmbach ceased in connection with his activities.

Mr. THOMPSON. Do you recall the date that you became aware of any money being paid to any of the defendants or families or attorneys?

Mr. MITCHELL. No, I do not recall the date but it was well after the matter was in progress and in operation.

Let me perhaps help you a little bit on that, Mr. Thompson, or help myself maybe, is a better way to put it. [Laughter.] There is testimony by Mr. Dean that there was a meeting.

Mr. THOMPSON. June 23 or 24, I believe.

Mr. MITCHELL. On June 28.

Mr. THOMPSON. And 28th.

Mr. MITCHELL. June 28. You see, Mr. Dean had testified that they had been playing games with the CIA up to the 28th. Then, Mr. Dean testified that there was a meeting in my office with Mardian, LaRue, and Mitchell and I do not know who all else including Mr. Dean in the afternoon of the 28th in which it was decided, naturally Mitchell was always deciding these things, according to Dean, that the White House, somebody in the White House, John Ehrlichman should call Kalmbach and ask him to fly back from California that night of the 28th, which led to their meetings on the 29th. The only problem with all of that was that I was in New York and could not have been at such a meeting, and I was not aware of it.

Mr. THOMPSON. I believe your logs reflect that, Mr. Mitchell. I think that—

Mr. MITCHELL. I would hope so because I have been so stating for quite some time.

Mr. THOMPSON. It reflects that, according to your logs, you were in New York on the 28th.

Mr. MITCHELL. Yes.

Mr. THOMPSON. And that you arrived in the District of Columbia at 5:30.

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. There is no indication of any meeting after 5:30.

Mr. MITCHELL. That is correct.

Mr. THOMPSON. And I assume there was none.

Mr. MITCHELL. The passenger that I had with me coming back from New York was not about to allow me to go to any more meetings on that particular day. [Laughter.]

Mr. THOMPSON. I am not going to pursue that any further.

Getting back to your knowledge of the money, perhaps my question should have been, "When was the first time that you heard of the need for the payment of money," and I ask it because of this: Dean testified that the first time he heard any discussions of the need for money to take care of those who were involved in the break-in was in a meeting which occurred on either June 23, Saturday, or June 24 attended by Dean, Mardian, LaRue, and yourself.

Mr. MITCHELL. That is quite possible because as I recall the conversation of Mr. Liddy that he had with Mr. Mardian and LaRue, he was hopeful that these people that he at that time, of course, was not in jail, not suspect, and was still working for the committee, I do not know whether he was suspect or not, in any event, he was still working for the committee until the 28th of June, he was—he talked to Mardian and Liddy about the hope that somebody could provide bail for these five people who had been arrested, and the thought was that the committee should do it and, of course, that was immediately turned off, the committee would not do it and, of course, obviously could not do it under the existing statutes. Now, what developed out of that with respect to Mr. Dean's concept of it or what he heard about it, whether he heard that story or what I do not know but that is the first point in time at which the subject matter was ever discussed.

Mr. THOMPSON. The points that concerned you were the fact that early on the discussions about the money were taking place, or the need for money, and also Mr. Magruder's testimony. I believe he testi-

fied, I think first in June and then again maybe August and then again in September before the grand jury, and the point was that during this period of time you were having to make your decision as to how you were going to play this thing. I understand that your testimony is that you were making your decision on the basis of what you had understood Liddy to say plus some points of corroboration from Mr. Dean.

Mr. MITCHELL. That was the basis for the White House activities, that is absolutely correct.

Mr. THOMPSON. Without getting into a great deal more detail, Mr. Mitchell, besides the Diem cables can you answer any further point of verification that Mr. Dean gave you concerning these matters we mentioned, the Ellsberg psychiatrist, the Dita Beard situation, any of those matters?

Mr. MITCHELL. Well, of course, there was the purported fire bombing of the Brookings Institution which had been discussed and so forth, I have already—

Mr. THOMPSON. Did Dean tell you that was seriously proposed at one time?

Mr. MITCHELL. Yes; I believe that I took it as a very serious proposal because of the fact that he flew across the country in order to get it turned off.

Mr. THOMPSON. For that particular reason as you understood it?

Mr. MITCHELL. Pardon?

Mr. THOMPSON. He made this trip for that particular reason?

Mr. MITCHELL. That is the way he so testified and I believe advised it at that particular time because, as you recall, it was tied into the Mardian trip to the west coast also. And also, it seems to me, that I have a pretty clear recollection there was general discussion of, as I say, the extracurricular wiretapping activities.

Mr. THOMPSON. Did you consider these matters national security matters at the time you were considering them?

Mr. MITCHELL. Well, since I didn't really know about them I could not make an assessment about them.

Mr. THOMPSON. In your mind as you were seeking to justify your position, if you were, when these things were realized by you, did you consider them to be matters of national security no one had any right to know, that they should be covered up in effect, or were these just political decisions?

Mr. MITCHELL. They were obviously elements of that in connection with some of these activities. But I think we would have to parcel it out in details before you could make that determination.

Mr. THOMPSON. Would it be accurate to say your motivations were generally more out of political considerations at that time, in the midst of a campaign, than matters of national security?

Mr. MITCHELL. Well, I would think if you would put the aggregate of the subject matters we are talking about it would have to be from that point of view rather than from national security.

Mr. THOMPSON. All right. Mr. Mitchell, you have testified on several points where you disagree with Mr. Magruder or refute his testimony. I would like to ask you a few points which I don't believe have been covered yet concerning Mr. Dean's testimony. Dean testified that "Within the first few days," and I am quoting,

Within the first few days of my involvement in coverup a pattern had developed where he was carrying messages from Mitchell, Stans, Mardian to Ehrlichman and Haldeman and vice versa about how each quarter was handling the coverup and relevant information as to what was occurring.

Is that an accurate statement, as far as you know, was Dean doing that?

Mr. MITCHELL. Well, I think that Mr. Dean has lumped together a number of things. I think Mr. Dean has testified that the coverup had started on June 19 by the destruction of certain documents, by the concept of getting Mr. Colson out of the country, and a few other such things—Hunt, I am sorry, I am sorry there seems to be some correlation there that I keep putting together [laughter] but it was Mr. Hunt that they were talking about.

Mr. THOMPSON. What correlation do you put together there?

Mr. MITCHELL. The fact that Mr. Hunt worked for Mr. Colson.

With the second part about it with which there was particularly at the time frame in which he is talking about, there is considerable interest at that time as to, about the money that had been through Barker's bank and the Ogarrio checks that were coming out that had come from Mexico, et cetera, et cetera. This is the subject matter and that particular week in which Mr. Stans and perhaps Mitchell and others were asking the White House about.

You will also, of course, recognize that the newspapers and Liddy himself, I believe, in the debriefing that Mardian got, referred to the fact that they had had CIA documents or materials, et cetera, et cetera. So there was a very considerable interest in, was there any CIA involvement, No. 1, in connection with the break-in, No. 2 in connection with the personnel involved and, No. 3, in connection with this gentleman from Mexico City, Mr. Ogarrio I believe his name was, in connection with his activities.

Mr. THOMPSON. You would not categorize those things as part of a coverup, would you?

Mr. MITCHELL. Well, that is what I say, Mr. Dean, I think, has put a blanket over activities that are happening at that particular time and talked about them as a coverup; this is where I started, I thought, my very lengthy answer. I am sorry to be so long.

Mr. THOMPSON. That is all right.

You have already stated that Dean's testimony about a meeting of June 28, and I believe I am quoting him correctly, where he said:

Mitchell asked me to get the approval of Ehrlichman and Haldeman to get Herb Kalmbach to raise the necessary money.

Mr. MITCHELL. That is right.

Mr. THOMPSON. You stated that was false.

Mr. MITCHELL. There was no such meeting, I made no such request, ever.

Mr. THOMPSON. With regard to asking—

Mr. MITCHELL. Ask Dean to ask Haldeman to get Kalmbach, to my recollection I have never made such a request.

Mr. THOMPSON. Did you ever ask anyone to get Kalmbach to raise money for these purposes?

Mr. MITCHELL. Not to my recollection. As I recall this scenario that Mr. Kalmbach did at the request of somebody, according to Dean, it

was somebody in the White House, Kalmbach to Washington on the 28th and met on the 29th with these people. He proceeded into this operation. There came a time in the fall, I believe it was September or October, where because of adverse publicity or whatever it was he wanted out and that was the end of it, and I certainly don't believe that I would have the audacity to ask him back into such an operation.

Mr. THOMPSON. Dean testified that after the President's statement on August 29 referring to the Dean report he began thinking that he might be being set up in case the whole thing crumbled at a later time. He testified he discussed this with you and others and that you assured him that he need not worry because you didn't believe anyone in the White House would do that to him.

Do you recall such a conversation with Mr. Dean?

Mr. MITCHELL. I recall such a conversation, Mr. Thompson, but it seems to me it was much later than August 29.

Mr. THOMPSON. Do you recall when?

Mr. MITCHELL. No, I don't recall the date but it was much, much further. In fact, I think it was into 1973.

Mr. THOMPSON. Do you recall the month? Was it into April, perhaps, as late as April?

Mr. MITCHELL. No, it would be before that. It would be in February or March I would believe.

Mr. THOMPSON. Did he state to you the basis of his fears?

Mr. MITCHELL. No, I don't believe he did. As a matter of fact, to the best of my recollection I only had, of course, one conversation with Mr. Dean in April, and a very limited number of them in March so it had to be sometime in early March or February.

Mr. THOMPSON. Dean testified: That during the first week of December you called Dean and said that you would have to use some of the \$350,000 at the White House to take care of the demands that were being made by Hunt and the others for money, and that you asked him to get Haldeman's approval for that. Is that a correct statement?

Mr. MITCHELL. No, that is absolutely untrue as far as I am concerned. I had no official capacity, I have no control over the money and there would be no reason why I should call Dean or anybody else with respect to it and I did not so call Dean.

Mr. THOMPSON. Dean testified that shortly before the trial when the demands for money were reaching the crescendo point again you called Dean and once again asked him to ask Haldeman to make the necessary funds available and that after Dean talked to Haldeman the decision was made to send the entire \$350,000.

Mr. MITCHELL. Well, I would respond to that the same way I did to your last question.

Mr. THOMPSON. Dean testified that on January 10 he received a call from O'Brien and you indicating that since Hunt had been given assurances of clemency and that those assurances were being passed to Hunt and others that Caulfield should give the same assurances to McCord who was becoming an increasing problem and again Dean was told that McCord's lawyer was having problems with him. Is that true?

Mr. MITCHELL. I think that Mr. Dean, if he will go back and check his logs will find that I was out of town in Florida when he started

the McCord dialog, and that there would be no reason in the world for me to direct Mr. Dean to do anything vis-a-vis Caulfield or McCord or anybody else.

Mr. THOMPSON. The logs indicate, I believe, you were in Key Biscayne from January 1 through January 7.

Mr. MITCHELL. I think it was December 20 through January 8, I believe.

Mr. THOMPSON. All right, sir. Let me ask you about one more piece of testimony, the meeting on March 22 which you had with Halde- man, Ehrlichman, and Dean; I understand you met with them and that afternoon you met with the President.

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. I believe that Dean testified that Ehrlichman turned to you and asked if Hunt had been taken care of, or his money situation had been taken care of, and you assured him that he had been taken care of, is that correct?

Mr. MITCHELL. It is absolutely false as far as I am concerned because I have never, to my knowledge, discussed any of these payments with John Ehrlichman and any of the specifics of that nature with respect to any individual, and I wouldn't have known on the 22d of March whether Mr. Hunt had been taken care of or hadn't been taken care of.

Mr. THOMPSON. Do you think Mr. Dean could be mistaken about these various points?

Mr. MITCHELL. No, I think Mr. Dean may have, in putting together—how long was his statement? You know, it is awfully hard to recollect on what day what was discussed.

Mr. THOMPSON. He did not seem to have any trouble at the time.

Mr. MITCHELL. Well, you said it, not I.

Mr. THOMPSON. Are you saying that perhaps Mr. Dean's memory might not have been quite that good?

Mr. MITCHELL. Well, it certainly cannot be with respect to the specifics of the March 22 meeting. I am sure of that.

Mr. THOMPSON. Or with these other points about—well, is that a matter of memory as to whether or not you called him and asked that the \$350,000 be sent over, or as to whether or not you requested that Kalmbach be used to make deliveries of moneys to families? Is that a matter of memory?

Mr. MITCHELL. I think it is a matter of confusion of people. I think as you look at this total picture, you get two aegises, one over in 1701 and one over in—what is the White House? 1800 Pennsylvania Avenue?

Mr. THOMPSON. I am sure you know better than I, Mr. Mitchell.

Mr. MITCHELL. And Mr. Thompson, this fellow, you know he was just carrying messages back and forth, according to his statement. He had to have somebody over there as principals with which to get to do all of this. Unfortunately, at times, he has picked out some of these principals that just were not on the scene at the particular time, as I have indicated about the meeting of the 28th.

Mr. THOMPSON. Do you know of any other indications of this?

Mr. MITCHELL. Well, I can go back through the testimony and I am sure provide you with some, if that is your desire.



Mr. THOMPSON. Do you recall that as you remember his statement or have you read his statement? Have you read his statement? I assume that you have——

Mr. MITCHELL. I have read his statement, yes.

Mr. THOMPSON. Do you recall whether or not there are other points, without specifically naming one, if you cannot?

Mr. MITCHELL. Yes, there are. I am not sure I could pinpoint them today, but I can provide you with material, if it is something——

Mr. THOMPSON. If you return tomorrow—as I expect you will—if tonight you could go through his statement——

Mr. MITCHELL. You mean I am going to be invited back tomorrow?

Mr. THOMPSON. Most cordially.

Mr. MITCHELL. Thank you.

Mr. THOMPSON. And refresh your memory on those points. Some of the Senators might want to ask some questions.

Mr. MITCHELL. I will attempt to do so, sir.

Mr. THOMPSON. Let me ask you about one more meeting, the meeting you had with, not with Mr. Dean, but Mr. Ehrlichman on April 13 at the White House.

Mr. MITCHELL. Mr. Ehrlichman?

Mr. THOMPSON. Yes.

Mr. MITCHELL. I believe the meeting was on April 14, if I am not mistaken. It was a Saturday.

Mr. THOMPSON. What was discussed at that meeting?

Mr. MITCHELL. Very little other than the fact that I had known that Mr. Magruder had tried to be the first one into the prosecutor's office and that he had already been there, and that Mr. Ehrlichman had learned that and had talked to Mr. Magruder and Mr. Ehrlichman advised me as to what Mr. Magruder was saying. I said, thank you very much and he said, would you not like to see the President? And I said under the circumstances of what is unfolding here, I think it would be inappropriate for me to see the President. So we left it at that.

Mr. THOMPSON. Was this, in effect, telling you that from Ehrlichman's standpoint, anyway, from what was going on, that you could anticipate problems?

Mr. MITCHELL. That I could?

Mr. THOMPSON. Yes.

Mr. MITCHELL. I do not think it is so much that way as he was recounting to me what Magruder had said, which, of course, did involve me.

Now, as to Mr. Ehrlichman's motive, I am not trying to guesstimate that.

Mr. THOMPSON. We have some evidence before the committee of a taped conversation between Mr. Ehrlichman and Mr. Kleindienst. I wonder if you have any reason to believe that this or any other conversation that you might have had with Mr. Ehrlichman was taped?

Mr. MITCHELL. In reflection, I would think that this conversation probably was taped.

Mr. THOMPSON. Why?

Mr. MITCHELL. For the reason that most of the time that I met in John Ehrlichman's office, why, we sat on a sofa around a coffee table and so forth.

Mr. THOMPSON. This is the one we heard about in the Pat Gray testimony about the documents?

Mr. MITCHELL. Yes; I believe that is the same coffee table and set of chairs. But at this particular time, he invited me over to sit in the chair at his desk and fidgeted around a little bit. So it occurred to me that a switch in the pattern of operation might very well have had something to do with as to where the microphone was.

Mr. THOMPSON. Let me ask you one more question, Mr. Mitchell. Obviously, the only verification, I suppose, direct verification of the fact that you were not the one who pushed Liddy, or to the contrary, the only one who could definitely testify that you did push Liddy, would be Liddy himself. And, of course, he has not favored us with his testimony so far.

I notice here a call in your logs on April 17 with a Mr. Peter Maroulis.

Mr. MITCHELL. Maroulis, yes, sir.

Mr. THOMPSON. I believe he is Mr. Liddy's attorney?

Mr. MITCHELL. That is correct.

Mr. THOMPSON. Could you tell us the nature of that conversation?

Mr. MITCHELL. Yes, sir, that was a return of a call to Mr. Maroulis, who had made a call to me, and Mr. Maroulis, within a day or two, came to see me. He was looking for guidance. What had apparently occurred, according to Mr. Maroulis, and I have not checked this out with the parties to know whether it is true or not, but the President had made his statement by that time, whichever one it was, in which he asked everybody to come forward and disclose what they knew about this matter. I guess that might have been—well, whatever date it was, the President or somebody on his behalf had asked, I believe, Henry Petersen to go to Mr. Liddy's local counsel here in the District—Mr. Kennelly, and Mr. Kennelly carried the message from Petersen to Kennelly to Mr. Maroulis about the fact that the President wanted everybody to come forward.

Well, Mr. Maroulis had spent a lot of time—he is a personal friend of Mr. Liddy. It was his opinion that Mr. Liddy had a valid case on appeal because of the errors made by the court and other matters that were involved, and he wondered if I could give him any guidance as to what the President meant by that particular phrase, which apparently had been quoted verbatim from Petersen to Kennelly to Maroulis.

I told him that I could not add anything to it, that I had not talked to the President about it; I knew what the President's wishes were, but he as a lawyer was going to have to make his own decision as to what his client's interests were.

Mr. THOMPSON. Is that the last conversation you had with him concerning Liddy's position?

Mr. MITCHELL. That is the only conversation I have ever had with the gentleman.

Mr. THOMPSON. Thank you, Mr. Mitchell. I have no further questions.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Mitchell, in your testimony, you have repeatedly referred to "White House horrors." What do you mean by that phrase?

Mr. MITCHELL. Well, as we have discussed them here, Senator, they certainly involved the break-in of Dr. Ellsberg's doctor, I think we had better put it instead of the other phrase that is used; the Dita Beard matter, both with respect to, apparently, the removal of her from the scene as well as visits or attempted visits. We are talking about the Diem cables; we are talking about the alleged extracurricular activities in the bugging area, the bombing, purported bombing of the Brookings Institute, and a lot of miscellaneous matters with respect to Chappaquiddick and this, that, and the next thing. Those are the areas of which I am talking.

Senator TALMADGE. Who was the author of the White House horrors?

Mr. MITCHELL. Well, I do not know as I can answer for all of those, Senator. I think that the affidavits that have been filed in some of the courts and the stories that have come out in the press probably give you a better picture of that than I can vividly.

Senator TALMADGE. Did you play an active supervisory role in the campaign before you resigned as Attorney General?

Mr. MITCHELL. An active supervisory role?

Senator TALMADGE. Yes, sir.

Mr. MITCHELL. What I did was succumb to the President's request to keep an eye on what was going on over there and I had frequent meetings with individuals dealing with matters of policy; also with individuals who would bring other individuals over to introduce them to me and discuss their talents and their qualities with respect to filling certain jobs in that particular area. Yes, sir, I did.

Senator TALMADGE. You would consider, then, that you did play an active supervisory role before you resigned as Attorney General?

Mr. MITCHELL. Well, the word "supervisory" gets me, Senator. I am not quite sure of that.

Senator TALMADGE. An active role before you resigned.

Mr. MITCHELL. If you would change "supervisory" to "consulting", I think I would be much happier.

Senator TALMADGE. Did it get beyond the consulting capacity?

Mr. MITCHELL. Well, it might have been in areas where I let them know my opinion quite forcefully and strongly, but I think that would still fit under the role of consultant.

Senator TALMADGE. Didn't you testify to the contrary before the Judiciary Committee on March 14, 1972?

Mr. MITCHELL. Senator, I am glad you asked me that. I was waiting for somebody to. May I read the dialog?

Senator TALMADGE. Yes.

Mr. MITCHELL. I was hoping that would come up.

Senator TALMADGE. I am glad to accommodate you, sir.

Mr. MITCHELL. Thank you. Because this subject matter has been bandied about and I think quite unfairly. This is a question by Senator Kennedy:

Senator KENNEDY. Do you remember what party responsibilities you had prior to March 1?

MITCHELL. Party responsibilities?

KENNEDY. Yes. Republican Party.

MITCHELL. I do not have and did not have any responsibilities. I have no party responsibilities now, Senator.

Now, it seems to me that this committee has spent about 6 weeks trying to make a distinction between the different parties and the Committee for the Re-Election of the President, and I look upon it the same way.

Senator TALMADGE. Let's read a little further, Mr. Mitchell.

Mr. MITCHELL. This is the only quote I have. Do you have something more on that?

Senator TALMADGE. Yes. Let me read it for you. [Laughter.]

Next question:

Senator KENNEDY. No re-election campaign responsibilities?

Mr. MITCHELL. Not as yet. I hope to. I am going to make the application to the chairman of the committee if I ever get through with these hearings. [Laughter.]

Mr. MITCHELL. I can't believe that the Washington Post could be so mistaken.

Senator TALMADGE. May I send it to you for the refreshment of your memory, sir?

Mr. MITCHELL. I would like to see it.

Senator TALMADGE. I will ask a member of the staff to show Mr. Mitchell page 633 of the hearings of Mr. Richard G. Kleindienst, resumed, on March 14, 1972.

Mr. MITCHELL. Senator, I still think that relates, that phrase that you read that isn't in the Washington Post, relates back to the same subject matter.

Senator TALMADGE. You testified a moment ago in response to a question that I asked you that you did have campaign responsibilities prior to the time you resigned as Attorney General. And yet, on March 14, before the Judiciary Committee, I quote again: "Senator KENNEDY. No re-election campaign responsibilities?" That is a question. "Mr. MITCHELL. Not as yet."

Isn't that negative?

Mr. MITCHELL. That is negative. It relates back to the Republican Party, Senator, in the way I read the context and this one was so intended.

Senator TALMADGE. "No reelection campaign responsibilities?" I ask you who was running? Mr. Nixon? And is he a Republican?

Mr. MITCHELL. I think the answer to both those questions is "Yes."

Senator TALMADGE. I would concur with that. I still don't get the thrust of your testimony when you testified a moment ago that you had none, that you did have election responsibilities and yet before the Judiciary Committee of the U.S. Senate on March 14, 1972, you testified exactly the opposite.

Mr. MITCHELL. Senator, I go back to the statement that I made before, that this refers to the Republican Party and this is the reason that I raised the question and responded to it and it was my intention to do so in that context.

Senator TALMADGE. Was not President Nixon running on the Republican ticket? He didn't change parties, did he?

Mr. MITCHELL. No, Senator. I stand on the answer that I have given you. But the question that I asked of Senator Kennedy was with respect to the party and he referred to the Republican Party, and that is the context in which I took it.

Senator TALMADGE. Now, there is some stationery from the Committee for the Re-Election of the President, memorandum to the Attorney General, marked "confidential," December 3, 1971. There is a lot of language here. "We recommend that the Committee for the Re-Election of the President assume all White House support activities." It is signed by Jeb S. Magruder and there are three blanks there: One "approve," one "disapprove," the third, "comment." And by "approve" there is an X. Is that your X mark?

Mr. MITCHELL. I haven't the faintest idea. I don't remember the memorandum but maybe if I looked at it, I could tell. Generally I write my name rather than write an X, but I may be able to identify my X.

Senator TALMADGE. We all admit, Mr. Mitchell, that you are entirely legible and that you write eminently well.

Mr. MITCHELL. Senator, that looks like a good enough X to possibly be mine. I am not familiar with it and I don't recall the memorandum.

Senator TALMADGE. You do not deny it?

Mr. MITCHELL. I do not deny that that could be my X.

Senator TALMADGE. Mr. Chairman, I ask that that be marked as an exhibit and be inserted in the record at this point.

Senator ERVIN. Without objection, it is so ordered. The reporter will mark it as an exhibit for the record.

[The document referred to was marked exhibit No. 74.\*]

Senator TALMADGE. I also ask that the colloquy I have read between Senator Kennedy and the then Attorney General, John Mitchell, dated March 14, 1972, before the Judiciary Committee be made part of the record.

And as further evidence, Mr. Chairman, I desire to send to Mr. Mitchell a number of documents here wherein he was exercising his responsibility as director of the campaign, one dated June 22, 1971, one dated January 14, 1972, all marked "confidential," memorandum to the Attorney General, one involving the Republican National Committee budget, the other a telephone plan for the Florida primary.

I send them also to Mr. Mitchell for identification and I ask that they be identified, appropriately numbered, and inserted in the record at this point.

Mr. MITCHELL. Senator, I have no recollection of the first one relating to the Republican National Committee budget. I have a vague recollection of this one in January, having to do with the telephone plan for the Florida primary, and I am quite sure that the writing at the bottom here in connection with the comment which says, "Hold for November pending standing in the polls"—"Hold for now," I guess it is, not November—"Pending standing in polls" is not my writing. But—

Senator TALMADGE. Mr. Chairman, I ask unanimous consent that those documents be appropriately marked and inserted in the record at this point.

Senator ERVIN. I believe the one he stated he had no recollection about will have to be identified by some other witnesses.

\*See p. 1810.

Senator TALMADGE. Then the ones he identified——

Senator ERVIN. The ones he identified will be appropriately marked as an exhibit and placed in the record as such.

[The document referred to was marked exhibit No. 75.\*]

Mr. HUNDLEY. I think I should state with reference to the second document that Mr. Mitchell had seen it and that he indicated that the handwriting on it, on the bottom was not his and I would note there is no X on the "Approved" or "Not Approved."

Senator TALMADGE. I am not indicating that it was Mr. Mitchell's mark there. But it does corroborate that he was actively involved in the campaign. That was admitted by Mr. Mitchell, I might say.

Mr. HUNDLEY. That is a matter of dispute.

Mr. MITCHELL. That is a matter of dispute and I would like the chairman's indulgence for a moment to point out that there is no illegality about any Presidential appointee engaging in the carrying out of political functions.

Senator TALMADGE. I am not arguing that, Mr. Mitchell. You testified under oath in response to a question of mine a moment ago that at the request of the White House you were actively involved in the campaign. If I can read the English language correctly, on March 14 of last year, you testified to the opposite before the Judiciary Committee. One or the other of your statements is in error. I am inserting them in the record only so the public can draw their own conclusions as to which was in error.

Mr. MITCHELL. I dispute your statement with respect to the discussion before the Judiciary Committee and I would like to go back to my statement and stand on that answer.

Senator TALMADGE. That is part of the record and that is the reason, Mr. Mitchell, that I inserted both of them in the record so the American people can draw their own conclusion as to which is correct. I am not arguing with your testimony, but if I can read the English language in two different places, they are the opposite of each other. You state that they aren't. If I understand English, and I learned it in a small country school, in Telfair County——

Mr. MITCHELL. So did I, Senator, a very small one.

Senator TALMADGE. We both studied the same English, I assume.

Mr. MITCHELL. That is why I am surprised you don't agree with my interpretation.

Senator TALMADGE. Let's get on to another matter.

Senator ERVIN. Could I ask for his interpretation so I can understand it?

It is your position that working for a Republican candidate for President gave you no responsibilities in respect to the Republican Party?

Mr. MITCHELL. That is it entirely, Mr. Chairman. That is the question that I asked of Senator Kennedy.

Senator ERVIN. Thank you.

Senator TALMADGE. Mr. Stans testified before the committee, Mr. Mitchell, he stated his sole responsibility as chairman of the finance committee was to raise the money and he testified that it was your responsibility, as I recall, as chairman to determine the expenditures thereof.

\*See p. 1811.

Now, we had some more than a million dollars in cash that was not accounted for during the expenditure. Thus, as I understand it, Mr. Mitchell, Mr. Stans has implicated you as being responsible for these cash disbursements.

Would you comment on that?

Mr. MITCHELL. I don't believe that; that Senator, in all deference to you, is the testimony of Mr. Stans in any form, shape, or circumstances about that. By the time that I became active, and I am saying active as distinguished from consulting, in the campaign, we were working on budgets, which Mr. Stans and his people on the finance committee were part and parcel of, just as I was on the political side, and we were working under the budget. Mr. Stans was part of that.

Senator TALMADGE. Let's see if we can clarify it. It was Mr. Stans' responsibility to raise the money, as I understand it.

Is that an accurate statement?

Mr. MITCHELL. No question about that.

Senator TALMADGE. Whose responsibility was it to disburse it?

Mr. MITCHELL. It was the responsibility—to disburse it?

Senator TALMADGE. Yes.

Mr. MITCHELL. Well, it was actually disbursed by the finance committee, but I am sure that is not the thrust of your question. Your question is who authorized the programs for which the money was spent. I think that is the question?

Senator TALMADGE. Yes, who could call up over there and say give *x* number of dollars or write a check for such and such an amount? Who had the authority to do that? Was it you or Mr. Stans? That is what I am trying to get at.

Mr. MITCHELL. It depended on the period of time involved, Mr. Talmadge. Before their budgets were put together, it was done in the way you said, that we authorize this program and so-and-so can get so much money.

Senator TALMADGE. When did you take over as chairman of the committee?

Mr. MITCHELL. I didn't become chairman. I became campaign director, Senator Talmadge.

Senator TALMADGE. What date was that?

Mr. MITCHELL. It was announced on the 9th of April. But I had been working, as my time would allow, plus a vacation, from the 21st of November through the 3d or 4th of April in trying to put together the budgets under which these moneys would be expended.

Senator TALMADGE. Thereafter then was it your responsibility to authorize disbursements?

Mr. MITCHELL. In connection with the budget, yes.

Senator TALMADGE. And so—

Mr. MITCHELL. That is up until the 1st of July.

Senator TALMADGE. When you resigned and that was solely your responsibility during that period?

Mr. MITCHELL. No, as you have heard from the discussion here this morning when Mr. Stans consulted me about it, because of the many other things that I was doing, including putting together the political organizations in the 50 States, I told Mr. Stans that Mr. Magruder had continuing authorization which, of course, is part of Mr. Stans' testimony, to authorize expenditures of money.

Senator TALMADGE. Then the expenditures that were paid out by Mr. Sloan, as I recall, various lawyers' fees, and bail fees, and living expenses, were authorized by you, is that a correct statement?

Mr. MITCHELL. To my knowledge, Mr. Sloan never made such payments.

Senator TALMADGE. Who did?

Mr. MITCHELL. To my knowledge there was never any money paid out of the committee for that purpose.

Senator TALMADGE. There was some——

Mr. MITCHELL. If I can go back to my testimony a few minutes ago——

Senator TALMADGE. Yes.

Mr. MITCHELL [continuing]. When this matter was first brought up it was turned down and turned down cold. The money that was used, if it was bail money and I am not sure of that, but attorneys' fees and support, were not committee moneys.

Senator TALMADGE. Where did that money come from?

Mr. MITCHELL. Well, I believe Mr. Stans testified, and I am no expert on this subject matter because I don't know all of the answers to it, I believe Mr. Stans testified that at Mr. Kalmbach's request, and this is the first public knowledge that I have as to how this got started, that on the 29th of June Mr. Stans turned over moneys that were not part of the campaign moneys to Mr. Kalmbach in the amount of \$75,000.

Senator TALMADGE. I believe he testified that he checked with you on that and you authorized it, is that correct?

Mr. MITCHELL. Who did this?

Senator TALMADGE. Mr. Stans, as I recall.

Mr. MITCHELL. No, he did not. No, sir, I beg your pardon.

Senator TALMADGE. Who authorized that disbursement?

Mr. MITCHELL. That was not a disbursement of campaign funds. This was moneys that Mr. Stans testified that he had outside of the campaign, and that he turned them over to Mr. Kalmbach at Mr. Kalmbach's request, Mr. Kalmbach having said this was for an important White House mission and I am quite certain that is the testimony.

Senator TALMADGE. How does a campaign get money outside the campaign? [Laughter.]

Mr. MITCHELL. This has always been a very interesting question to me. [Laughter.]

Because, for this very reason that the more I hear about all these moneys everybody says that they came from 1968, and here I was the campaign manager in 1968 and only won by 600,000 votes and they had all this money in the bank. That was a hell of a thing to do to me.

Senator TALMADGE. I agree.

Mr. MITCHELL. I regret it, I resent it.

Senator TALMADGE. It wasn't but one campaign, was it, in 1972?

Mr. MITCHELL. Well, I am talking about 1968.

Senator TALMADGE. Yes, you are talking about leftover campaign money.

Mr. MITCHELL. Yes, this is what I understood.

Senator TALMADGE. But you referred to funds outside the campaign at the disposal of the campaign committee when there was only one campaign and I was wondering how you collected campaign money outside a campaign?



Mr. MITCHELL. This was not collected, this was held except for one item, and I am sure the staff is much more familiar with Mr. Stans' record than I am but I think he testified that the \$75,000 was made up of \$45,000 that he had in a safe deposit box that came from the 1968 campaign and \$30,000 that had come from some Filipinos who were to be returned; if I am not mistaken that is the \$75,000 and he did not come to me on it.

Senator TALMADGE. There was a great deal of testimony that this committee has had, as you know, about disbursement of funds, and we found that over a million dollars was disbursed in cash with no checks to support it or anything else. Some cash was bandied around in large amounts, and it was amazing to me that a man as able, a certified public accountant, as Mr. Stans would let money be handled in such a loose fashion. You would concur that you ought not kick around a million dollars in cash without accountability, wouldn't you?

Mr. MITCHELL. I would subscribe to that wholeheartedly, in fact I would go down to half a million or a quarter of a million.

Senator TALMADGE. Or even \$1.

Mr. MITCHELL. I agree with that.

Senator TALMADGE. Now, you mentioned these Dahlberg and Mexican checks. Mr. Stans testified that you met with him on June 23, 1972, regarding those checks, is that a correct statement?

Mr. MITCHELL. Yes, sir. If I remember correctly, Mr. Stans and I had lunch on that day and we had a further meeting which has been totally screwed up in the testimony here on the 24th.

Senator TALMADGE. Do you want to try to correct it?

Mr. MITCHELL. I would be delighted because of the various versions and it was a matter of some concern of this committee because of the implication that Mr. Stans was brought into the picture of having information about the Watergate, which is not true.

With respect to the 23d, to the best of my knowledge it does show that Mr. Stans and I had lunch in my diary. Now the 24th, this is the sequel of the Mardian-LaRue debriefing or interviewing of Liddy and the information they got from Magruder's involvement with Liddy in the payment of money and it resulted in Mardian going to talk to Magruder, and getting this story that it was only \$40,000 at the most that I could have given Liddy or whatever the number was \$40,000 or \$50,000, and this, of course, was quite contrary to what Mr. Liddy had told Mr. Mardian.

So Mardian came up and got my secretary to get Sloan in from his house into the office, the 24th being a Saturday where there was this confrontation and, by the way, I would like to interpolate here that this is the only meeting that I ever had with Hugh Sloan at any time after June 17 and it wasn't in connection with his going to the FBI as he has testified to.

The meeting took place with Mardian, Magruder, and Sloan, in which Magruder was saying, "Well, it couldn't have been more than \$40,000 or \$50,000" and Sloan was saying, "It is much, much more than that. But I won't tell you because I am going to have to talk to Mr. Stans."

And this is, by the way, where I will also have to put the record straight. Sloan was a pretty low individual on that particular day and

it was then that Mardian hit him on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a couple of days before it happened.

Senator TALMADGE. You did not make any such statement, is that correct?

Mr. MITCHELL. I made the statement and I made it in the context—

Senator TALMADGE. You did not quote Senator Muskie as being the author thereof?

Mr. MITCHELL. I did indeed in connection with respect to the nature of the tough campaign he had and the one that we were having.

Senator TALMADGE. Were you saying that for Mr. Sloan's benefit at that particular time?

Mr. MITCHELL. I was saying it for the total people there who were in a hell of a knock-down-drag-out donnybrook over what they could not agree on.

Now, the sequence is shown by my log that after that meeting Mr. Sloan apparently went back to Mr. Stans, who had received the information about the Liddy payments the day before, I believe, on June 23, Mr. Stans called me, and Mr. Stans came up and saw me alone. There was not any Jeb Magruder and there was not any Mardian in the meeting that according to Magruder I asked Mardian to step out so that I could discuss the matter. That would be the last thing in the world I would do because Mardian was investigating the circumstances at the time.

Senator TALMADGE. Was that the first—excuse me.

Mr. MITCHELL. I am going into this because Mr. Stans' credibility with respect to his knowledge of the Watergate was quite severely impugned apparently more severely in the executive committee meeting by Magruder than it was later in public testimony.

Senator TALMADGE. Was that the first time you had knowledge of the Watergate break-in, bugging that day, that conversation?

Mr. MITCHELL. On the 24th?

Senator TALMADGE. Yes.

Mr. MITCHELL. No, my—

Senator TALMADGE. That was the first time you were debriefed on it, was it not?

Mr. MITCHELL. No, I had been debriefed, Senator, as I mentioned a little earlier, either on the 21st or 22d.

Senator TALMADGE. Did you get full details of it at that time?

Mr. MITCHELL. It was coming from Liddy who was, as I went through with Mr. Thompson, was involving Magruder and said that he got his approval in the White House and a lot of things that—

Senator TALMADGE. Did he say who authorized the approval in the White House?

Mr. MITCHELL. No, he did not. No, he did not.

Senator TALMADGE. The White House was definitely interested in the campaign, of course, was it not?

Mr. MITCHELL. The campaign what, Senator?

Senator TALMADGE. The campaign for reelection.

Mr. MITCHELL. Oh, there is no question about it.

Senator TALMADGE. With whom in the White House did you discuss the Watergate break-in?

Mr. MITCHELL. Well, it depends, of course, as I testified earlier this morning in the context of it. Talking with, starting at the top, with the President, I believe it was the telephone call that I had on the 20th of June in which—this was before the debriefings that I had had and had not any particular knowledge of it, discussed it to the point where I thought it was ridiculous and thought I had been very remiss as being the campaign director and not ever being able to keep a rein on the individuals that were working for the campaign, at that time I had in my mind, of course, the fact that Mr. McCord was the only one who was involved in the particular incident.

Senator TALMADGE. Let me see if I can identify that telephone call, that was on the 20th of June, according to the logs that the committee has, that took place by telephone between the 6 p.m., and 6:12 p.m., is that correct?

Mr. MITCHELL. That is the one, sir.

Senator TALMADGE. What did you tell the President about the Watergate break-in at that time? Did you tell him employees of the Committee To Re-Elect the President were involved in it?

Mr. MITCHELL. I assume the President knew that because it had been in the newspapers by then, to my recollection but what I really recall about the conversation was more.

Senator TALMADGE. Did you tell him Magruder was involved?

Mr. MITCHELL. I did not know Magruder was involved in it at that time.

Senator TALMADGE. Who did you tell him was involved?

Mr. MITCHELL. The only ones I knew were involved at that time were the five that were accosted on the premises.

Senator TALMADGE. When did you talk with Mr. Haldeman about the break-in?

Mr. MITCHELL. I have no recollection of it but it was some time thereafter.

Senator TALMADGE. Was it shortly after June 20?

Mr. MITCHELL. I would probably believe that would be the case.

Senator TALMADGE. When did you talk to Mr. Ehrlichman about it?

Mr. MITCHELL. Well, I talked to Mr. Ehrlichman—Mr. Ehrlichman called me in California when I was out there and asked me, in effect, I think there has been testimony to the effect here that somebody suggested he do it. He called me out there and asked me what it was all about and I said, "I do not know, we will find out and we will get back to you." That was the substance of that conversation.

Senator TALMADGE. That was either the 17th, 18th, 19th, or thereabouts?

Mr. MITCHELL. It was either Saturday or Sunday because on the 19th, which was Monday, we left rather early for the return to Washington.

Senator TALMADGE. When did you talk to Mr. Colson about it?

Mr. MITCHELL. I have no idea but it would have been somewhere much further down the line. Let me point out—

Senator TALMADGE. Sure.

Mr. MITCHELL [continuing]. Senator, that if you would have, I know you are reading from one of these minicharts but some of the things they do not have up there is that there is an 8:15 a.m. morning meeting in the White House.

Senator TALMADGE. You should have ample opportunity to state whatever you want to, Mr. Mitchell, if that chart is different from your views do not hesitate to say so, we want the facts, only the facts.

Mr. MITCHELL. I cannot see it from here and it does not make any difference anyway, because I have got a directory here but what I would point out is that during this period which I have—which I have testified to earlier today, until I left the committee as the campaign director, there was a meeting at 8:15 a.m. in the White House every morning. This was the regular staff meeting that involved legislative liaison, Dr. Kissinger, General Haig, et cetera. So, when I say when you ask me when did I first talk to these people about the Watergate, of course, it was a continuing subject matter basically in the concept of the political problems that presented because by the, I guess the, 20th or certainly the 21st, the Democrats had threatened their lawsuit, they filed it, I think, on the 22d and we had had a verbal press battle over the circumstances from then on constantly day in and day out about the matter.

Senator TALMADGE. Did you talk to Mr. Colson about the same time?

Mr. MITCHELL. I am sure that I would because he would have attended those meetings.

Senator TALMADGE. Did you direct Robert Mardian to telephone Liddy on June 17 and ask him to try to persuade Mr. Kleindienst, then the Acting Attorney General, to arrange for Mr. McCord to be released from bail as Mr. Magruder has testified?

Mr. MITCHELL. No, sir, I am sure, I assure you, that would not be the case. There was some conversation that somebody might call up the Acting Attorney General to find out what the hell happened but I noticed in Mr. Magruder's testimony he said that I selected Mardian because Mardian was a great friend of Liddy's and if there is anybody who were on the opposite ends of the stick it would have been Mardian and Liddy.

Senator TALMADGE. Would you say then that Mr. Magruder committed perjury before this committee?

Mr. MITCHELL. I cannot characterize anything as perjury, Senator. That does not happen to be a fact, what you have just said, and I have just denied it and I am sure the other people who were present will also deny it.

Senator TALMADGE. You are a good lawyer, Mr. Mitchell, testifying under oath to a lie is commonly referred to as perjury, is it not?

Mr. MITCHELL. Well, yes; but you also have to have intents, I think, along with it under certain circumstances and I am sure that some of these conversations have got garbled and mixed up in the intervening year and a half or so. I would not want to characterize anybody—

Senator TALMADGE. What you are saying is intentions might be good but his facts are wrong, is that correct?

Mr. MITCHELL. Could very well be that the recollection was not quite accurate. There are many of other circumstances some of which I have testified to and some of which I presume I will in connection with my

answers relating to Mr. Magruder's testimony where I know damn well that he has transposed events and got them mixed into other circumstances.

Senator TALMADGE. Mr. Dean has testified before this committee that there was a meeting on March 22, 1973, where you met with him, Mr. Haldeman and Mr. Ehrlichman, and you said that there was no more money problems for Mr. Hunt. Did this meeting take place?

Mr. MITCHELL. The meeting had taken place, Senator, I covered this earlier this morning, and it is to this effect, the meeting took place prior to a meeting with the President. It was on March 22, those participating were Haldeman, Ehrlichman, Dean, and myself. Dean's testimony is to the effect that Ehrlichman asked me if Hunt had been paid or if his problems had been taken care of, and I am reported by Dean to have answered, yes, something. To the contrary, I deny that it ever existed as far as I am concerned, because I would not know whether Hunt's problems have been taken care of or not.

Senator TALMADGE. Then, you are telling this committee Mr. Dean was in error when he made this statement?

Mr. MITCHELL. This may be another one of these cases where on—

Senator TALMADGE. Intentions were good and his facts were wrong?

Mr. MITCHELL. Well, he probably got the parties mixed up. I do not recall ever having talked to John Ehrlichman about payment of money to anybody in connection with the Watergate case.

Senator TALMADGE. I believe you stated you later met with the President that day?

Mr. MITCHELL. Yes, sir, we did.

Senator TALMADGE. Mr. Dean said—he testified—you talked with the President about dealing with the Ervin committee at that point, is that correct?

Mr. MITCHELL. Excuse me, this is a side joke that we have, he is afraid I am going to pronounce the chairman's name wrong as I have from time to time.

The word "dealing" is a pretty broad term. Actually, the subject matters were a number that did have to do with the committee and it was also, of course, the basis, the subject matters were the basis for discussion that took place previously that morning among Haldeman, Ehrlichman, Dean, and myself in the meeting that we just got out of.

The real problem that was discussed at that particular time was the problem the President was having in connection with executive privilege and that was the real focal point of it and, of course, that was right in the middle of the Gray hearings where the concentration was on the executive privilege matter.

The other aspects of it were as to who was to be the liaison in connection with the White House working with this committee up here, and I believe that Mr. Dean is correct in his testimony that during that meeting the President called Mr. Kleindienst to ask him if he had met with the chairman and the vice chairman of the committee on the subject matter to start discussing these matters of executive privilege and the other relationships in that area.

Senator TALMADGE. Did you convince the President at that time that he ought to waive executive privilege?

Mr. MITCHELL. I urged it.

Senator TALMADGE. Why was he so insistent on what he called executive privilege, Mr. Mitchell?

Mr. MITCHELL. Well, of course, I can't always—I can't say always, I can't read the President's mind but I would believe that whatever the President does in this area he does it in connection with the Presidency and not in connection with some individual problem that he may have at a particular time.

Senator TALMADGE. Mr. Dean testified that on March 28, 1973, he met with you and Mr. Magruder and that you indicated to Mr. Dean that his testimony could cause problems. Did that meeting take place?

Mr. MITCHELL. There was a meeting on March 28, but I believe that the phrase that you have quoted has come out of a memorandum that Dean has submitted to this committee dealing with a meeting that we had on April 10. Now, I may be mistaken in connection with that but the meeting I had with Dean on March 28 there was Magruder present at the meeting and really what the discussion there was the recollection of the meeting in the Justice Department, the one where the statement was made that there was a possibility of Dean testifying before the grand jury could provide problems for the President I believe was at the April 10 statement.

Senator TALMADGE. Did you make a statement that his testimony could cause problems for the President?

Mr. MITCHELL. I would believe that I would have put it in that frame because this would provide the entire unraveling of all of the Plumbers activities and all of the White House horrors.

Senator TALMADGE. What did you mean by that statement?

Mr. MITCHELL. Just what I said now.

Senator TALMADGE. That you wanted it kept concealed?

Mr. MITCHELL. I was not anxious to volunteer any information with respect to the White House horrors or the Plumbers operations that would hurt this President.

Senator TALMADGE. Mr. Dean also testified before the committee that he gave you a hypothesis, that the plan to break in the Watergate had been approved without anyone fully understanding its import, he stated that you said his theory was not far wrong, only that it would be three or four times removed from the committee. Did you make that statement and, if so, what did you mean by it?

Mr. MITCHELL. I testified this morning that there was no such statement made. This has been over the past years in discussions of this and theorization as to who was involved and how we were doing but it certainly wasn't made at that meeting of March 28 because Magruder, Dean, and I were at the meeting and I left to go into the office to say goodbye to Haldeman to go back to New York so if he had said it, he would have said it in front of Dean and Magruder, and I am sure Magruder would have remembered it but, to my knowledge, to the best of my recollection, no such statement was ever made.

Senator TALMADGE. You resigned as campaign director, I believe, July 4, 1972?

Mr. MITCHELL. July 1, sir.

Senator TALMADGE. July 1, 1972. Why did you resign, Mr. Mitchell?

Mr. MITCHELL. Well, Senator, I thought this was probably the most publicized resignation that ever took place in this country.

Senator TALMADGE. I haven't heard you say it. I have heard others say it.

Mr. MITCHELL. I had some long-range telephone and publicized threats that if I didn't get out of politics, I was going to lose my marriage.

Senator TALMADGE. What you are saying then, I don't want to get into that aspect of it, what you are saying then——

Mr. MITCHELL. Everybody else has, Senator. You might just as well.

Senator TALMADGE. It had nothing whatever to do with the Watergate matter?

Mr. MITCHELL. None whatsoever.

Senator TALMADGE. The sequence of events there, as they unravelled were so similar in dates that I wondered if that had anything to do with it?

Mr. MITCHELL. Well, Senator, I can't conceive the President would have anything to do with the Watergate and we would have continued to have all of these meetings both social and campaign meetings and all the rest of it if it had anything to do with the Watergate——

Senator TALMADGE. You discussed your resignation——

Mr. MITCHELL [continuing]. It didn't. What we discussed with the President, we had lunch on Friday, the announcement was made on Saturday—we had lunch on Friday, and we discussed who the successor was going to be. The President asked me to, urged me to stay on, I said I could not under the circumstances, it would be impossible for me to function properly, and I don't want to characterize his attitude but, it seemed to me, he reluctantly consented to the fact that I was going to leave, and we discussed a successor and implemented this rather rapidly. If you are aware of my logs that I had been spending the better part of the previous week trying to smooth this situation over to the point where that I could stay as husband and wife regardless of whether I resigned or not, so eventually it was so worked out.

Senator TALMADGE. It's been observed in the press, in Mr. Dean's testimony, that Mr. Haldeman and Mr. Ehrlichman tried to smoke you out and get you to take the blame for this whole affair, that you were shaken by the circumstances and now isolated from the President. Would you like to comment on that?

Mr. MITCHELL. Now where does this come from?

Senator TALMADGE. Dean, among others, and various——

Mr. MITCHELL. This is not a direct quote from Dean. You are also reading Evans and Novak and a few others.

Senator TALMADGE. Newspaper comment.

Mr. MITCHELL. And a few other throw-ins of hypothetical——

Senator TALMADGE. Perhaps one of the contributing factors to it is the last time you visited the White House you didn't even see the President as I understand it.

Mr. MITCHELL. That was my exact determination that I should not under the circumstances.

Senator TALMADGE. That is what I understood you to say.

Mr. MITCHELL. Yes, that is what I did say.

Senator TALMADGE. So you have not been isolated from the President?

Mr. MITCHELL. I have—well let me answer your question first: There has been running through Mr. Dean's testimony on a number of occasions the reference that, you know, "Mitchell come forward and take the blame for all of this and this will solve all of the problems," and of course I have been meeting with these people from time to time during this period. But the only one I have ever heard that story from is Dean. Neither Haldeman or Ehrlichman or either Colson or Shapiro have come to me with that story so the only one I have ever heard from is Dean.

Senator TALMADGE. One thing I can't understand, Mr. Mitchell. As I understand it, you have been probably closer associated with the President than probably any man. You were his law partner, probably his most trusted confidant and adviser. You had immediate access to the White House at any time, to the President's office, including a direct line.

Is that a fair statement?

Mr. MITCHELL. It is extremely complimentary.

Senator TALMADGE. It is meant to be complimentary.

Mr. MITCHELL. I think it is made a little higher than it might be.

Senator TALMADGE. Now, you have been in public office in positions of high responsibility in Government. I have had that privilege also as Governor of my State and now for 16½ years in the U.S. Senate. To my mind, the first requirement of a subordinate and adviser and confidant in any capacity is absolute and implicit trust. If they see anything going wrong involving their superior that needs immediate corrective action, they report it instantly. When you found out all these crimes and conspiracies and coverups were being committed, why on Earth didn't you walk into the President's office and tell him the truth?

Mr. MITCHELL. It wasn't a question of telling him the truth. It was a question of not involving him at all so that he could go on through his campaign without being involved in this type of activity, and I am talking about the White House horror particularly. As I have testified this morning, I was sure that, knowing Richard Nixon, the President, as I do, he would just lower the boom on all of this matter and it would come back to hurt him and it would affect him in his reelection. And that is the basis upon which I made the decision. And apparently, others concurred with it.

Now, I am not speaking for them. It may very well be that I was wrong, that it was a bad matter of judgment.

Senator TALMADGE. Am I to understand from your response that you placed the expediency of the next election above your responsibilities as an intimate to advise the President of the peril that surrounded him? Here was the deputy campaign director involved, here were his two closest associates in his office involved, all around him were people involved in crime, perjury, accessory after the fact, and you deliberately refused to tell him that.

Would you state that the expediency of the election was more important than that?

Mr. MITCHELL. Senator, I think you have put it exactly correct. In my mind, the reelection of Richard Nixon, compared with what was available on the other side, was so much more important that I put it in just that context.



Senator TALMADGE. Do you think anything short of a trial for treason would have prevented his election?

Mr. MITCHELL. I beg your pardon, Senator?

Senator TALMADGE. Do you think anything short of a trial for treason would have prevented his election?

Mr. MITCHELL. Well, it depends on what area we are talking about. Mr. Thompson and I went through that, and of course, depending upon what time and what area it was in.

Senator TALMADGE. Thank you, Mr. Mitchell. I have no further questions at this time.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

Senator ERVIN. Mr. Mitchell, you have been sitting there for about 2 hours. Would you like to have a brief recess?

Mr. MITCHELL. No, I am doing fine, sir. I am here at the pleasure of you gentlemen, so I would certainly be delighted to sit as long as you do.

Senator ERVIN. You may proceed.

Senator GURNEY. Mr. Mitchell, you were the President's campaign manager in 1968 and the campaign director in 1972, and of course, his close personal friend. I would assume that you had many discussions with him during 1971 and early 1972 about the upcoming political campaign in 1972, is that correct?

Mr. MITCHELL. Senator, there were discussions, but probably not really as many as you might expect. In other words, we didn't meet daily or even weekly. Sometimes months would go by before we would meet and discuss the subject matter.

Senator GURNEY. Well, in any of those discussions, Mr. Mitchell, with the President in this time frame, did he ever bring up the matter of bugging and electronic surveillance or dirty tricks in the 1972 Presidential campaign?

Mr. MITCHELL. Certainly not with respect to anything that had to do with politics, Mr. Gurney—Senator, excuse me. I should have called you Mayor as I did originally. Senator, no sir.

Senator GURNEY. What about 1968; did that subject ever come up?

Mr. MITCHELL. It didn't come up during the campaign in 1968. It came up directly after the election, if this is an area which you want me to get into. It is post the election. It was the day that J. Edgar Hoover and Mr. Helms came up to New York to the Pierre Hotel and the President was interviewing his new personnel for his administration. There was a meeting with Mr. Hoover and I was present, because although I was still protesting that I didn't want to become the Attorney General, I think he still—that is, he, the President—still thought that he wanted me to. So I was in the meeting with Mr. Hoover in which Mr. Hoover advised the President that the land lines of his plane and the Vice President's plane, somebody working in the campaign here in Washington, and another embassy had been bugged during the campaign.

Senator GURNEY. In 1968?

Mr. MITCHELL. This is in 1968, in the election—

Senator GURNEY. Well, the general thrust of my question, of course, was to find out if the President had any concern about bugging, electronic surveillance, or dirty tricks in the upcoming 1972 campaign.

I suppose if he had, he ought to have discussed it with you, the No. 1 campaign director?

Mr. MITCHELL. No, Senator, I believe that the conversations went more to the security of the buildings and the personnel than they did electronic surveillance. Obviously, we did have and we discussed from time to time the necessity of sweeping for a determination of whether there was electronic surveillance of the sensitive areas within the campaign headquarters. But, of course, as far as the President was concerned, this was always done by the Secret Service and that was not so much a concern on his part as far as he personally was involved, but just to make sure that we did have good security in connection with our campaign activities.

Senator GURNEY. And that, I guess, is one of the reasons why Mr. McCord was on board; is that correct?

Mr. MITCHELL. There is no question about that, sir, and no question about the fact that there were constant sweeps of the building at 1701 and the installation of in-house television so that they could watch corridors and so forth.

Senator GURNEY. Some of these matters I am going to touch on have obviously been touched on before, but I will try only to bring up things, perhaps, that were not mentioned or perhaps should be mentioned a little more fully.

Going to the March meeting at Key Biscayne with Magruder, was LaRue present all the time during these discussions with Magruder?

Mr. MITCHELL. That would be my belief, Senator. I know that Mr. Magruder's testimony is to the contrary, but I might help if I explain the circumstances.

It is rather a large house. It was built as a one-family house and then the fellow who owned it inherited a mother- and father-in-law to come to live with him, so he built a second wing on it was a complete operation down there and a large Florida room, which had two telephones in the room. So I think Magruder's statement was that LaRue was in and out of the room from time to time and so forth. Well, if he was in and out of the room, he must have had very weak kidneys, because there were certainly enough telephones in there to take care of without leaving the room.

Senator GURNEY. What was LaRue's job at this time with you?

Mr. MITCHELL. Well, he had been—Fred LaRue had been at the Committee for the Re-Election of the President for quite a few months and he was what you, I presume, would call a special assistant, although until we got the place organized over there, they never had any titles, while I was there, until after I came aboard so that they could be sorted out and put in the proper spots. I believe you would call him a special assistant to me, and he was staying at the house on Key Biscayne with us, so that he was there, not only at the meeting that I had with Magruder, but also the one that I had the previous day or the subsequent day, whichever it was, with Harry Flemming.

Senator GURNEY. His mission on that occasion was to be your right-hand man to help you out, is that the idea?

Mr. MITCHELL. I would believe that to be the case, besides the fact that he is awfully good company and delightful to have around.

Senator GURNEY. Do you recall whether he was present when these electronic plans were discussed by Magruder?

Mr. MITCHELL. To the best of my recollection, and I am quite sure that I am correct that he was present and he did take part in the discussion.

Senator GURNEY. Going to this Magruder meeting—I guess I should say alleged meeting in view of your earlier testimony today—about the Gemstone files. You mentioned that in the morning—

Mr. MITCHELL. Is the Gemstone file supposed to be the same as the Mitchell file?

Senator GURNEY. Well, the Gemstone files, of course, involved information about the bugging—transcripts, things like that. And the testimony, of course, previous here was that they had been put in the Mitchell files and they had been brought to your attention by Mr. Magruder. You testified this morning that it was supposed to have occurred in the morning, this meeting with Magruder, in which he discussed the Gemstone files.

Mr. MITCHELL. Mr. Magruder testified that it happened at the regular 8:30 a.m. meeting.

Senator GURNEY. That is right. And you also testified that your logs showed that you had no meetings with Magruder when no one else was present. That is what I wanted to nail down. Would you amplify that again?

Mr. MITCHELL. What I am saying is during the period from what is referred to as the first break-in, which was—and, of course, you got mixed testimony on whether it took place on the 28th of May or the 30th of May—I do not know when it took place. Magruder said that 1 to 1½ weeks thereafter, he came up to my office and showed me this material and that I did not like it; therefore, I called Mr. Liddy up and I chewed Mr. Liddy out and told him to get moving. What I am saying is that my logs do not show a meeting with Mr. Magruder during the May period to the June 17 period in the morning that did not have other people there for other business.

Secondly, I have testified, which happens to be the fact, that I never saw or talked to Mr. Liddy from the 2d day of February until the 15th day of June of 1972.

Senator GURNEY. I recall that, and that leads me to the next question, which I really am getting at which I think is the important question. How were these logs prepared? Who prepared them? How would the committee know, for example, that they are precisely accurate?

Mr. MITCHELL. Well, what had happened, Senator, was that over in the Justice Department, the secretaries that I had over there followed the practice that was always handled in the Justice Department—nobody got in the door without their being recorded. Nobody made a telephone call in or out without them being recorded and it records whether the call came in or out, whether you talked, or where the call was placed. Much to my surprise, I found out later on, after they came over with me to the law office in the Committee To Re-Elect the President, they continued to do the same thing. I did not even know they were doing it until after June 17, when we got talking about a lot of these things and found out that they had continued to do this.

Senator GURNEY. So your secretaries, after you went to the Committee To Re-Elect, were the same that you had in the Justice Depart-

ment and they always followed this procedure of reporting everybody who came in and phone calls in and out?

Mr. MITCHELL. My secretary, Miss Lee Jablonski, was the one who continued to do that; yes, sir.

Senator GURNEY. Going on to this—

Mr. MITCHELL. May I also add so that I will be fully responsive to your question about this meeting, so-called, by Magruder, that I would point out, and I think that it is very persuasive, at least from the way I look at it, that when Dean met Liddy on June 18—in other words, this was the first time that anybody had really ever talked to Liddy, according to Mr. Dean's testimony, which is in the record—Mr. Liddy complained to Mr. Dean that Magruder was the one that made him go into the DNC the second time around, et cetera, et cetera. Now, if Mitchell had called him up to the office, I am sure Liddy is not stupid enough to try to hide behind Magruder if he had Mitchell to hide behind.

Senator GURNEY. Incidentally, on that point, Magruder pushing Liddy to do this work over at the DNC, do you have any evidence that Magruder in turn was pushed by anybody to push Liddy?

Mr. MITCHELL. No; I do not. I tried to answer that before—

Senator GURNEY. I know you touched on it.

Mr. MITCHELL. Insofar as I have no personal knowledge of it. As I say, the Dean statements and testimony is replete with who called whom and who was afraid who was going to take over what and so forth. And I have no personal knowledge of it.

Senator GURNEY. Let me ask you this. Were there any instances during the campaign, when you were the campaign director, where Mr. Magruder went over your head, on his own, without your knowledge or without your direction?

Mr. MITCHELL. Yes; I think you will find, and we must get the two dates because Senator Talmadge, of course, has had me in one spot at one period of time and I was officially campaign director for another period of time. I think you will find that in the dirty tricks department, I can give you one example that I cannot give you the details of, but I know that it happened without my knowledge. That was a riot that they created up here on the steps of the Capitol that I had no knowledge of and did not know that it was being funded. There undoubtedly are others. I know that there were beforehand and I presume that there were in between.

I can answer your question better after this committee gets through with its dirty tricks investigation.

Senator GURNEY. Well, hopefully, we will find out about all those things.

Do you know, and I think maybe I have asked this in another way, but I do want to ask it again—do you know of any other instances where Mr. Magruder, or do you know of any instances where Mr. Magruder may have been carrying out the instructions of anybody else in connection with his duties at the committee?

Mr. MITCHELL. Yes; I believe that you will probably find that that was the case in connection with this matter up here. I think that this was directed out of the White House. I think you will find that there are other similar activities, maybe not of the same magnitude or scope.

Senator GURNEY. In other words, I think there probably are instances where he was directed by other people?

Mr. MITCHELL. I think that perhaps "directed" can be the word, or it may be the point where they were working in concert on some of these activities.

Senator GURNEY. Let us go to the June 18 meeting if we may. You talked about that. But mostly in connection with this business of whether there was discussion on destroying the Gemstone files. I am not interested in going over that again, but would you amplify your explanation of what happened at that meeting?

Mr. MITCHELL. Well, Senator, my recollection of the purpose for the meeting was the fact that not only I but Mardian and LaRue, who were pretty well up in the campaign by June 17, had been on a series of events out in California on Saturday and Sunday and that we had very little contact with what was going on back in Washington. We were on the plane leaving out there at 10:30 and getting back at somewhere around 7:30 or 8:00 o'clock at night. What we were concerned of was to find out what was going on in the press, because there, as you know, was an inordinate blast from the Democratic side, and, of course, for the next 3 months, all we did was answer charges and counter-charges with respect to the subject matter. So that to the best of my recollection, the meeting was for the purpose of reviewing what had developed in the case that we did not know about in our transit, who had been identified in connection with it, and I do not believe that as of June 18, there had been any other identification other than the five that had been arrested in the Watergate; how we were going to respond to the Democratic charges with respect to our position, because obviously, the security officer of the Committee To Re-Elect the President had been arrested; and where we were going to go from here. Coming back on the plane with Mardian and LaRue, I discussed the concept that we needed an investigation which they should undertake in connection with the committee, which they did undertake.

Now, there seems to be a difference of opinion as to whether or not, by the time we had gotten back on the night of June 18, as to whether or not the Democrats had threatened to sue and we were talking about lawyers. To the best of my recollection, that came later, although in trying to reconstruct what happened at that, there has been some thought that lawyers for the committee were considered at that meeting. But to my knowledge or recollection, it came at a later date.

Senator GURNEY. Dean testified before the committee that when he got into this whole Watergate affair, and you will recall that he was out in the Philippine Islands, I think, and returning—

Mr. MITCHELL. Yes.

Senator GURNEY. That this occurred—that the coverup had already begun. My recollection of the first important meeting that he had with anybody was this June 19 meeting.

Mr. MITCHELL. No sir.

Senator GURNEY. Was there any discussion of the coverup at this meeting?

Mr. MITCHELL. No, sir; Senator, let me go back and refresh your recollection of Mr. Dean's testimony, and I am sure these gentlemen here can correct me if I am wrong on the general subject matter. Mr.

Dean said that by the time that he came to my apartment to the June 19 meeting, the coverup had already begun, because we had—and I am just quoting Mr. Dean—he had met with Liddy, he had met with Magruder, he had met with Strachan and been advised that they had destroyed documents. He said he had met with Ehrlichman and Colson and that they were trying to get Hunt out of the country. I am not vouching for these as facts. I am just telling you what Dean said that he did that day, in which he came to the conclusion that the coverup had already started by the time he got to the meeting of the 19th.

He also testified that he did not discuss any of those subject matters with us at the meeting in my apartment on the 19th.

Senator GURNEY. Were any specific instructions given at that meeting to anybody?

Mr. MITCHELL. No; because I don't think we had anything to provide specific instructions for. I think what we were really looking at was what was the PR aspects of it, where were we going to be hit next with another broadside, and how we were going to respond to it. And of course, you did that from day to day as the UPI and the AP carried the stories.

Senator GURNEY. Incidentally, why do you think Dean was there at the meeting?

Mr. MITCHELL. I don't know. In trying to reconstruct that in my mind—because I had completely forgotten about the meeting until the testimony—I would have believed that somebody—it was not me, but it was probably that Bob Mardian, or it could have been Fred LaRue—we were flying back in an aircraft that needed an interim stop, as I recall—probably called ahead to the office and said, get so-and-so so we can find out what is going on in connection with this.

Senator GURNEY. Turning to the coverup payments now, I think we have already discussed this business about the supposed meeting where you thought that somebody ought to get in touch with Kalmbach to raise the money for the coverup, and you have denied that this took place. Is that correct?

Mr. MITCHELL. I specifically deny this with respect to the so-called meeting of June 28, in which Dean puts it in a sequence on June 28, where the CIA thing flops and then there is a meeting with Mardian, LaRue, Dean, and myself, and I say to Dean, you go get somebody in the White House to call Kalmbach. I tell you that that meeting didn't happen, because I was in New York.

Senator GURNEY. Was there any other meeting where that occurred, or something like that occurred?

Mr. MITCHELL. No; there has been a question here today as to whether or not I had a meeting on January 19, which would have been the eve of the inauguration, with Dean and Kalmbach in which Kalmbach was asked to re-enter the fundraising activities. I have no recollection of that whatsoever. And as I said before, the way that Kalmbach excited from fundraising activities due to his notoriety, I would have found it very difficult for me to suggest that he get back into it.

Senator GURNEY. Do you have any personal knowledge about the coverup money, how it was raised, by whom, who paid it?

**Mr. MITCHELL.** I have—well, let me see if I can answer all of your questions. First of all, I have never met with any of the defendants. I have never talked to any of them; I have never talked to any of their lawyers except Maroulis on that occasion that I have mentioned. I have never handled any negotiations in connection with it. I have never even seen until I have seen the exhibits here the letters that—letter or letters—that were written by Hunt.

Starting at the beginning of it, which I understand to be the beginning of it, which was the Kalmbach activity that resulted from the telephone call to him on the 28th, where the meetings were held on the 29th at the hotel that I hope you have finally gotten straightened out—I didn't know that that money had been passed over by Mr. Stans to Kalmbach until I heard his testimony, or read his testimony on the subject matter. I didn't know that.

I did know that somewhere along the way, there had been money transferred to Fred LaRue out of, and I forget the testimony on it, but I am sure it is here. This is the amount of money that Mr. Stans, I think, said was turned over to LaRue by Sloan and Stans at the advice of Mardian or LaRue or something.

**Senator GURNEY.** But you found out this later in the testimony before this committee?

**Mr. MITCHELL.** Yes, I found it out later, as these things unfolded.

**Senator GURNEY.** Well, I am talking about, now, in June and July, when a lot of these money-raising activities and payments took place. You have no personal knowledge about that?

**Mr. MITCHELL.** I have no personal knowledge about the raising of them or the distribution of them or who was receiving them or how they were received.

I must go back to point out that in the Liddy-Mardian-LaRue debriefing, Liddy said that he thought that it was right or whatever phrase he used that the committee help him get bail to get these people out of jail. That was turned down flat cold out.

**Senator GURNEY.** Let's turn to this Executive clemency thing, which of course, is important, because the only person who can offer that is the President. There was testimony by Dean that you had instructed him to offer to McCord. What about that testimony?

**Mr. MITCHELL.** Well, that is, in my opinion, a complete fabrication, because the negotiations with McCord started when I was out, entirely out of the way. I was down in Florida. And this, of course, was the thing that was handled through Caulfield. Except it was not Mitchell. And I think if you look at Dean's total testimony, you will get to the same conclusion that I have come to, that the only discussion of Executive clemency that I have ever heard about was during some time in January, where Hunt was in a psychological state in which he made demands on either Colson directly or through Bittman or whatever it was with respect to the subject matter, and the word got back to me from somebody—whether it was Dean or O'Brien or whoever it was—that the only person that Hunt would take a commitment for Executive clemency from was from Colson. That is where it ended.

**Senator GURNEY.** I recall your testimony on that. Of course, Dean also testified that he had discussed at one time with the President, in the President's office, and also in a conversation he had with Colson,

Dean, I am talking about, Colson said he discussed it with the President. Did Dean ever discuss Executive clemency with you?

Mr. MITCHELL. Only to report the conversations of the dialog that were going on between Colson, Hunt, and Bittman, and I do not know what or the matter was—

Senator GURNEY. At no other time?

Mr. MITCHELL. At no other time.

Senator GURNEY. And he has never mentioned the fact that he had discussion with the President about it?

Mr. MITCHELL. No, sir.

Senator GURNEY. Did you ever discuss it with the President?

Mr. MITCHELL. Executive clemency?

Senator GURNEY. Yes.

Mr. MITCHELL. I certainly did not, Senator. We have never gotten into areas relating to the Watergate or the coverup or would bring any such subject matter to the floor.

Senator GURNEY. Do you think it might be reasonable to assume if the President had been discussing this with anyone that he might have touched base with you on it?

Mr. MITCHELL. Well, I do not know. That is quite an assumption. Of course, I was now practicing law in New York and did not see him as often as I had in the past and talk to him as often but I would think that before he got into this area it is quite conceivable that he would because I know that in his proper analogy when it came to the point of the problem of Executive clemency in connection with the meeting of March 22 he asked them if he would come down and talk to them about it, this is the best answer I can give you on the subject matter.

Senator GURNEY. You mentioned just now that you, of course, had talked to the President on a number of occasions and perhaps this is the proper time to turn to these. The logs from the President's office show a number of times that you did have conversations with the President. I think the very first one has already been discussed in the exchange you had with Senator Talmadge, that is the June 20 one and we do not have to go over that one again.

There was a meeting on June 30 in the President's Executive Office Building with Haldeman present. I presume that means that the President and Haldeman and you were present. Do you recall that meeting?

Mr. MITCHELL. I recall it very well.

Senator GURNEY. What was discussed?

Mr. MITCHELL. It was a luncheon meeting at which my resignation was discussed and finally accepted and in which we discussed a successor.

Senator GURNEY. And that was the only subject at that meeting?

Mr. MITCHELL. That was the only subject of that meeting, to my knowledge.

Senator GURNEY. On July 1, there was a phone call from the President from San Clemente to you in Washington. Could you give us the substance of that phone call?

Mr. MITCHELL. July 1 was the date upon which the announcement was made of my resignation, and we had agreed that certain people would be called by certain people. For instance, I would call Governor



Rockefeller, Governor Reagan and so forth, on down the line. This meeting, as you know, lasted for quite a while because it was the day of the announcement and the President spent quite a period of time, as I recall, talking with my wife on the telephone trying to pep her up and tell her the world had not ended.

Senator GURNEY. Yes, that was a 23-minute talk, as I see here.

Mr. MITCHELL. Yes, sir.

Senator GURNEY. Was Watergate discussed at all?

Mr. MITCHELL. Not to my recollection, Senator, and I am quite sure that it would not have been.

Senator GURNEY. On July 11, there was a very short call here, it says 12:48 to 12:49.

Mr. MITCHELL. 12:43 to 49, as I understand it, Senator.

Senator GURNEY. What is that?

Mr. MITCHELL. 12:43 to 12:49.

Senator GURNEY. This sheet says 12:48 but I will take your advice.

Mr. MITCHELL. Well, of course, mine came from the White House so it could quite possibly be screwed up. [Laughter.]

Senator GURNEY. Touché.

Mr. MITCHELL. As a matter of fact, I think the covering letter was signed by Mr. Buzhardt.

Senator GURNEY. Anyway, it says that the President called San Clemente to Mitchell in Washington. What was that about?

Mr. MITCHELL. We are talking about the July 11 conversation?

Senator GURNEY. That is right.

Mr. MITCHELL. To the best of my recollection, it was a conversation we had concerning when the President would do something concretely about the Vice President. You remember this was just before, as I recall, the Democratic National Convention that was held shortly thereafter, and the President had, I believe, according to the conversation that I remember, pretty well come to the conclusion about two things. No. 1, that he was being shot at from the Javitses and Percy's, and so forth about the Vice President—maybe not Percy, but some of the people in the party were shooting at him about continuing the Vice President, and yet at the same time that it did not look like it would be a feasible thing to announce his preference for the Vice Presidency right on the eve of the Democratic National Committee, and this is the conversation that I remember took place in that time frame. And it brings to mind the fact that at the next meeting that is shown there is shown with the Vice President, Mr. Haldeman in the President's office where the announcement had previously, I think, been made or was about to be made and there was quite a discussion of the part that the President was to play in the campaign.

Senator GURNEY. This is the July 27 meeting you are talking about with Haldeman and Harlow?

Mr. MITCHELL. No; it is the July 21 meeting.

Senator GURNEY. I mean the July 21 meeting, and the Vice President came in during that meeting, is that correct?

Mr. MITCHELL. Yes, sir.

Senator GURNEY. But at neither of these meetings, July 11 or July 21, was Watergate discussed, is that correct?

Mr. MITCHELL. Absolutely, sir.

Senator GURNEY. Then, the next meeting is the one that I skip to, July 27 at the navy yard with Haldeman, and Harlow, and MacGregor.

Mr. MITCHELL. This, as I recall, was a dinner discussion of politics on the *Sequoia* because of the reference to the navy yard and the time frame and it was a general discussion of politics, had nothing to do with the Watergate and coverup.

Senator GURNEY. The next log reference is August 1, a morning telephone call from the President to you. Do you recall the substance of that call?

Mr. MITCHELL. No. This is one of the couple here that I have no recollection of what the call may be. It could be in connection with the upcoming convention, but I have no recollection of the nature of that conversation.

Senator GURNEY. And then, on August 4 through August 6, it says that you were a guest of the President at Assateague Island. Do you recall what occurred there or did anything occur about Watergate there?

Mr. MITCHELL. Well, there is nothing occurred on Watergate. It was a purely social occasion. As I testified this morning, I do have a very distinct recollection that this was the particular time and event when Senator McGovern became a thousand percenter that Senator Eagleton was not going to be with them and they were selecting a new Vice President. During that weekend we had quite a number of discussions about that subject matter. That was the topic of it but I do not recall discussing anything relating to Watergate.

Senator GURNEY. There were meetings on August 14 in the oval office, Haldeman was present, part of the time or I guess all of the time and MacGregor was present part of the time. What were those discussions about?

Mr. MITCHELL. They were about the campaign, the 1972 campaign, and unrelated to the Watergate or anything else that might have to do with it.

Senator GURNEY. And on August 25 there was a call from San Clemente from the President to you here in Washington in the morning. Do you recall what that was about?

Mr. MITCHELL. I don't know whether it was this one or the earlier one but as I think I testified this morning, and I have a reasonably good recollection that the President and I discussed during this pre-Republican convention activity and probably by telephone, according to my recollection, the problem the Rules Committee was having down there with respect to the representation of the various factors in the 1976 convention. As you recall there was quite an active ongoing question that covered lots of areas of the party, and I believe I have a recollection of talking to him on the telephone on that subject matter.

Senator GURNEY. On September 13, there was a meeting in Camp David with the President. Besides yours, Mr. MacGregor was there, and Mr. Connally, and Mr. Haldeman. Do you recall what the subject of those meetings was?

Mr. MITCHELL. Yes, this had to do entirely with the political campaign, the political campaign and the scheduling of the President.

I might say here that, which I think I mentioned this morning, at one of these meetings, and I remember particularly that Senator Con-

nally was there—not Senator Connally, Governor, Secretary Connally was there—that we discussed the Watergate to the extent of the desirability of the President appointing a commission such as the Warren Commission, to investigate it or a Special Prosecutor, et cetera, and I believe it was the unanimous opinion that the appropriate thing to do was to let the normal courses of justice take its place.

Senator GURNEY. On September 26 there was a meeting between you and the President and it says Waldorf Astoria, I presume that was in New York, and then also that was an afternoon meeting and there was also an evening meeting between you and the President in New York, Haldeman was present at that occasion, and then a dinner later on at the Waldorf.

What about these meetings?

Mr. MITCHELL. Well, the sequence is that the President met at the first meeting at 4:30 to 4:42 with the parties that are designated here, including Mr. Max Fisher and myself, and then we moved from that to a meeting with some distinguished citizens of the Jewish community and went on to an affair in the same hotel where Nelson Rockefeller had all of his political personnel, and came from there back to the President's suite which shows that the President, Mr. Haldeman, and myself were there from 6:24 to 6:42 and, to the best of my recollection, all we discussed were the activities that had gone on that afternoon and what impact they had had with what particular people and what was going to happen that particular night where he had to make a speech in the building in connection with the Salute to the President's dinner.

Senator GURNEY. On October 6 there was a meeting in the Oval Office with the President. At that meeting besides yourself there was Haldeman, Ehrlichman, MacGregor, Dole, and Harlow. What was that meeting all about?

Mr. MITCHELL. Entirely, to my recollection, all of these meetings that I was attending at this particular time, because I was then residing in New York, that I would come down and sit in on these political meetings, and I am sure if Senator Dole was there that obviously had something to do with it.

Senator GURNEY. In connection with the campaign?

Mr. MITCHELL. With the campaign.

Senator GURNEY. That would be true of the meeting of October 17. too.

Mr. MITCHELL. Yes sir. And 26th.

Senator GURNEY. And 24th—

Mr. MITCHELL. Twenty-fourth, rather.

Senator GURNEY [continuing]. It says here.

Mr. MITCHELL. Yes, sir; the 24th.

Senator GURNEY. Now then, on November 6 there was a phone call to you around 1 o'clock in the afternoon. Do you know what that was about?

Mr. MITCHELL. November 6 was the day before the election, and I remember the call quite well even though it was very short. The President and I were exchanging guesstimates as to how many States he would carry.

Senator GURNEY. And on November 24 there was a meeting in New York at your law office?

Mr. MITCHELL. Yes, sir.

Senator GURNEY. Two meetings, I take it here, some people were in one meeting and some other people were in another meeting?

Mr. MITCHELL. Yes, sir.

Senator GURNEY. What were these about?

Mr. MITCHELL. Well, the President decided that he would call, stop in and call, and see the people that he had worked with for quite a number of years at the law firm and, as it indicates here, at least on the sheet that I have, that he met with the senior partners for a period of time. He also met with the junior partners, and then he spoke to the entire staff of the law firm, some 400 people.

Senator GURNEY. And on that day did you have any discussion with him about Watergate at all?

Mr. MITCHELL. No, sir; the prime discussion was in the smaller group that involved the partners of the firm, dealt entirely with some of the thoughts that he then had that early about the reorganization of the Government.

Senator GURNEY. I expect probably the next one is almost self-evident, a call on December 25, was that about Christmas?

Mr. MITCHELL. No question about it; yes, sir.

Senator GURNEY. And on March 2, the last one here on the White House logs shows a meeting in the Executive Office Building with the President and Dean and Ehrlichman and Haldeman. March 22 I guess it is.

Mr. MITCHELL. March 22?

Senator GURNEY. It's listed as the 2d at first and then there is another 2 here. I guess that's been thoroughly discussed already.

Mr. MITCHELL. It, as you refer to it, it has, had, to do with Watergate but it had to do with this committee and the stance of the President with respect to it and particularly with respect to executive privilege. Counsel tells me that some time back along the way I used the words "Executive clemency" when I should have used "executive privilege." I do know the distinction and I hope somebody can correct the record.

Senator GURNEY. In these various meetings did the President ever bring up to you at any time the coverup business that was going on in Watergate?

Mr. MITCHELL. No, sir. I am thoroughly convinced that the President was not aware of it.

Senator GURNEY. And I hesitate to use this word "impression" but it certainly has been used often enough in these hearings.

Did you ever get any impression that the President had any knowledge of the coverup of Watergate?

Mr. MITCHELL. No, sir. It was quite the contrary.

Senator GURNEY. One other question, Mr. Mitchell, here about the FBI reports. There was testimony about a meeting of June 24, this was a meeting of you and Magruder and Mardian and Dean. Dean testifies that you suggested it would be helpful to see FBI reports. Can you shed any light on that?

Mr. MITCHELL. This was his testimony at a meeting of June 24?

Senator GURNEY. Yes, that is right.

Mr. MITCHELL. I have no recollection of the discussion of anything at that meeting of June 24 except this problem that we had with respect to trying to iron out, this was the Saturday that I was talking about, trying to iron out the problems we had in the discrepancies between Magruder and Sloan that substantially all the day was spent on that subject matter other than the conversation that I had with Mr. Stans later on.

Senator GURNEY. I would like to go over just one other meeting here.

Mr. MITCHELL. Counsel, I think, makes a very good point, and I am sorry that I didn't think of it, that there might not even have been FBI reports by the 24th of June. I don't know when they started interviewing people.

Senator GURNEY. Well, that may well be. Of course, we can——

Mr. MITCHELL. Let me say in connection with that Mr. Dean also said that I asked to see his, I guess he called it a summary and so forth, and he showed it to me, and then he testified he never took the documents out of his office, and I have never been in Mr. Dean's office and I have never seen the summary from the FBI so while we are on the FBI reports I thought I might give you at least the sequence, and I think that Mr. Dean testified that he did not receive FBI reports until sometime in July. Now, whether it was July 23 or 31 or sometime but it was well on into July, so I don't see how they could have been discussed back on the 24th of June.

Senator GURNEY. Well, we certainly can check out the FBI records on that. You may well have a point there.

Mr. MITCHELL. It might be a good idea to take the fingerprints off them and find out who did see them.

Senator GURNEY. Thanks for that suggestion. [Laughter.] If they are still there.

Just one other area of inquiry: You had a rather long meeting with Mr. Dean in your law office. This memorandum which Mr. Dean prepared says April 10 but I don't think that is the exact date.

Mr. MITCHELL. Yes, I believe it is, Senator; I believe it was April 10.

Senator GURNEY. Anyway that is the meeting I am talking about.

Mr. MITCHELL. This is the one where Mr. Dean lays out all of his options.

Senator GURNEY. That is right.

Mr. MITCHELL. Including to go to South America or wherever it was he was going to go.

Senator GURNEY. Well, that I think is the meeting we are talking about. His memorandum says that he talked about the fifth amendment. "I told him that would not only hurt me personally but also hurt the President."

Did he discuss that with you?

Mr. MITCHELL. The fifth amendment?

Senator GURNEY. Taking the fifth amendment.

Mr. MITCHELL. Yes, he did; yes, he did.

Senator GURNEY. Was that pretty much the discussion that you had with him?

Mr. MITCHELL. As best I can recall it. The only thing that disturbs me about that meeting was that the prosecutors wanted him to tape it and I wish the hell he had so we would have an accurate description of what took place, not just his recollection.

Senator GURNEY. He also said he talked about the lawyer-client privilege. I suppose that was in matters discussed between him and the President?

Mr. MITCHELL. Well, excuse me, Senator, for interrupting, but at that particular time they were all subject matters being quite widely debated in the press as well as his individual problems.

Senator GURNEY. Yes.

Mr. MITCHELL. And, of course, by that time he had long since gone to counsel and to the prosecutors, so that he was pretty well advised on this, on not only his options but as to how he should, I am sure, present them.

Senator GURNEY. Well, why do you think he spent all this time talking about these things with you? Can you give your version of what this meeting was all about?

Mr. MITCHELL. What the version of the meeting?

Senator GURNEY. Yes.

Mr. MITCHELL. Well, I think the memorandum outside of a few little self-serving vignettes about it, I think currently did set forth what the circumstances were. I was going to be in Washington, of course, John Dean and I had discussed this matter over very, very many, many months, and I think that he was coming to tell me, without telling me he had gone to the prosecutors, et cetera, that he had come to the end of the road and these were his options, and he was going to have to take one of them.

Senator GURNEY. Who requested the meeting?

Mr. MITCHELL. I don't recall, Senator.

Senator GURNEY. He indicates that you had requested the meeting.

Mr. MITCHELL. I don't recall his testimony in that respect. It may very well be that I was to be in Washington and see him and be brought up under current developments in connection with the matter. As you know, this followed the March 22 meeting and the March 28 meeting that we had had.

Senator GURNEY. The memorandum starts out here, "Mitchell had called the day before requesting that I meet with him in Washington. Ehrlichman and Haldeman both told me I should meet with him to tell him that I would be going before the grand jury. Accordingly I agreed on the meeting after having been advised by counsel."

That is his version of that.

Mr. MITCHELL. Pardon?

Senator GURNEY. That is his version of it, of who called the meeting.

Mr. MITCHELL. Well, as I say I have no recollection of who called it. I am perfectly willing to accept it on that basis. There wouldn't be anything unique about my going to Washington to see John Dean under these circumstances even though they had progressed to this point because obviously he had done a lot of things that I was completely unaware of until some of them even came out in this meeting.

Senator GURNEY. Just one final question, Mr. Mitchell. When do you think the President found out about Watergate and the coverup?

Mr. MITCHELL. I haven't any idea. Senator. I haven't any idea at all. If I had to speculate, I would speculate that he probably found out about the coverup when he talked to the people in the Government and got the true story out of the people in Government.

Senator GURNEY. This would be in what time frame?

Mr. MITCHELL. I haven't any idea. I wasn't involved in it. I just haven't discussed it with him or with the people in Government.

Senator GURNEY. Thank you very much, Mr. Mitchell.

I have no more questions.

Senator ERVIN. The committee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 4:57 p.m., the hearing was recessed, to reconvene at 10 a.m., Wednesday, July 11, 1973.]

## EXHIBITS SUBMITTED FOR THE RECORD

### EXHIBIT No. 44

(A) To accomplish: Make IRS politically responsive. Democrat Administrations have discreetly used IRS most effectively. We have been unable.

(B) The Problem: Lack of guts and effort. The Republican appointees appear afraid and unwilling to do anything with IRS that could be politically helpful. For example:

- We have been unable to crack down on the multitude of tax exempt foundations that feed left wing political causes.
- We have been unable to obtain information in the possession of IRS regarding our political enemies.
- We have been unable to stimulate audits of persons who should be audited.
- We have been unsuccessful in placing RN supporters in the IRS bureaucracy.

(C) HRH should tell the Sec.

Walters must be more responsive, in two key areas: personnel and political actions.

First, Walters should make personnel changes to make IRS responsive to the President. Walters should work with Fred Malek immediately to accomplish this goal. (NOTE: There will be an opening for a General Counsel of IRS in the near future -- this should be a first test of Walters' cooperation).

Second, Walters should be told that discreet political action and investigations are a firm requirement and responsibility on his part. John Dean should have direct access to Walters, without Treasury clearance, for purposes of the White House. Walters should understand that when a request comes to him, it is his responsibility to accomplish it -- without the White House having to tell him how to do it!



I.R.S. TALKING PAPERBACKGROUND

## A) THE BUREAUCRACY

I.R.S. is a monstrous bureaucracy, which is dominated and controlled by Democrats. The I.R.S. bureaucracy has been unresponsive and insensitive to both the White House and Treasury in many areas.

In brief, the lack of key Republican bureaucrats at high levels precludes the initiation of policies which would be proper and politically advantageous. Practically every effort to proceed in sensitive areas is met with resistance, delay and the threat of derogatory exposure.

## B) ADMINISTRATION APPOINTEES

Randolph Thrower became a total captive of the democratic assistant commissioners. In the end, he was actively fighting both Treasury and the White House.

Johnnie Walters has not yet exercised leadership. Unevaluated reports assert he has been either reluctant or unwilling to do so.

Walters has appointed as his deputy, William Loeb, career democrat from Georgia. Loeb has asserted his democratic credentials in staff meetings according to reliable sources.

I.R.S. Talking Paper

Page two

Walters appears oversensitive in his concern that I.R.S. might be labelled "political" if he moves in sensitive areas (e.g. audits, tax exemptions).

During the Democrat Administrations, I.R.S. was used discreetly for political purposes, but this has been unavailable during this Administration .

#### SUGGESTIONS

Walters should be told to make the changes in personnel and policy which will give the Administration semblance of control over the hostile bureaucracy of I.R.S. Malek should supply recommendations.

Walters must be made to know that discreet political actions and investigations on behalf of the Administration are a firm requirement and responsibility on his part.

We should have direct access to Walters for action in the sensitive areas and should not have to clear them with Treasury.

Dean should have access and assurance that Walters will get the job done - properly!

A knowledgeable source at IRS was contacted and given a hypothetical situation in which the White House made a request for an IRS audit of a group of specific individuals having the same occupation. This source advised that IRS procedures would require that such request be handled by Assistant Commissioner Donald Bacon.

It is known that Bacon is a liberal Democrat holdover who has been continually identified with anti-Nixon intrigues at IRS within the past two years.

The source suggested that a priority target be established within the group with preference given to one residing in the New York area. He further stated such target could discreetly be made subject to IRS audit without the clear hazard for a leak traceable to the White House as postured above.

EXHIBIT No. 45

THE WHITE HOUSE

WASHINGTON

EYES ONLY

EYES ONLY

June 12, 1972

MEMORANDUM FOR:

JOHN DEAN

FROM:

CHARLES COLSON *WC*

I have received a well informed tip that there are income tax discrepancies involving the returns of Harold J. Gibbons, a Vice President of the Teamsters Union in St. Louis. This has come to me on very, very good authority.

Gibbons, you should know, is an all out enemy, a McGovernite, ardently anti-Nixon. He is one of the 3 labor leaders who were recently invited to Hanoi.

Please see if this one can be started on at once and if there is an informer's fee, let me know. There is a good cause at which it can be donated.

## EXHIBIT No. 46

THE WHITE HOUSE

WASHINGTON

November 17, 1972

*file  
no comment*EYES ONLY

MEMORANDUM FOR:

JOHN DEAN

FROM:

CHARLES COLSON *[Signature]*

I have received from an informer some interesting information on Jack Anderson, including a report that Jack Anderson was found in a room with wiretap equipment and a private investigator in connection with the Dodd investigation. Anderson, according to my source, had the wiretap equipment supplied to him by a Washington, D. C. man.

According to the same source, Anderson and Drew Pearson were paid \$100,000 in 1958 by Batista to write favorable articles about the former Cuban dictator. In 1961 Anderson wrote several very favorable articles on Fidel Castro. Fredo de La Campo, Batista's Under Secretary of State, sent Anderson a telegram saying "I hope you were paid well, as well for the Castro articles as you were for the Batista articles". My source has a copy of the telegram.

You know my personal feelings about Jack Anderson. After his incredibly sloppy and malicious reporting on Eagleton, his credibility has diminished. It now appears as if we have the opportunity to destroy it. Do you agree that we should pursue this actively?

EYES ONLY

EXHIBIT No. 47

THE WHITE HOUSE

WASHINGTON

August 12, 1971

MEMORANDUM FOR JOHN W. DEAN, III

FROM: JACK CAULFIELD

SUBJECT: OPPOSITION ACTIVITY

Consistent with your recommendation, I have verbally asked  
Lyn Nofziger to come up with a candidate to assist in this  
project.

## EXHIBIT No. 48

August 16, 1971

CONFIDENTIAL

## MEMORANDUM

SUBJECT: Dealing with our Political Enemies

This memorandum addresses the matter of how we can maximize the fact of our incumbency in dealing with persons known to be active in their opposition to our Administration. Stated a bit more bluntly -- how we can use the available federal machinery to screw our political enemies.

After reviewing this matter with a number of persons possessed of expertise in the field, I have concluded that we do not need an elaborate mechanism or game plan, rather we need a good project coordinator and full support for the project. In brief, the system would work as follows:

- Key members of the staff (e.g., Colson, Dent Flanigan, Buchanan) should be requested to inform us as to who they feel we should be giving a hard time.
- The project coordinator should then determine what sorts of dealings these individuals have with the federal government and how we can best screw them (e.g., grant availability, federal contracts, litigation, prosecution, etc.).
- The project coordinator then should have access to and the full support of the top officials of the agency or department in proceeding to deal with the individual.

I have learned that there have been many efforts in the past to take such actions, but they have ultimately failed -- in most cases -- because of lack of support at the top. Of all those I have discussed this matter with, Lyn Nofziger appears the most knowledgeable and most interested. If Lyn had support he would enjoy undertaking this activity as the project coordinator. You are aware of some of Lyn's successes in the field, but he feels that he can only employ limited efforts because there is a lack of support.

As a next step, I would recommend that we develop a small list of names -- not more than ten -- as our targets for concentration. Request that Lyn "do a job" on them and if he finds he is getting cut off by a department or agency, that he inform us and we evaluate what is necessary to proceed. I feel it is important that we keep our targets limited for several reasons: (1) a low visibility of the project is imperative; (2) it will be easier to accomplish something real if we don't over expand our efforts; and (3) we can learn more about how to operate such an activity if we start small and build.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Comment \_\_\_\_\_



MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

July 16, 1971

CONFIDENTIAL

MEMORANDUM FOR:

Marge Acker  
Pat Buchanan  
✓ John Dean  
Dan Kingsley  
Gordon Strachen  
Van Shurnway  
Jerry Warren  
Lucy Winchester  
Larry Higby

SUBJECT:

OPPONENTS LIST

Please remove Raymond Gues from your copy of the Opponents List. He appears on the page entitled, " Democrat Contributors of \$25,000 or More in 1968 Campaigns".



Joanne L. Gordon

EXHIBIT No. 49

THE WHITE HOUSE

WASHINGTON

EYES ONLY

September 9, 1971

MEMORANDUM FOR: JOHN DEAN

FROM: CHARLES COLSON 

I have checked in blue those to whom I would give top priority. You might want to check someone else although I think you will find this is a pretty good list. Right on!

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

EYES ONLY

June 24, 1971

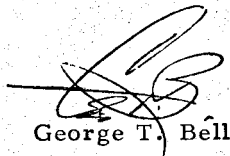
MEMORANDUM FOR:

✓ JOHN DEAN  
JERRY WARREN  
VAN SHUMWAY

SUBJECT:

OPPONENTS LIST

Attached is the list of opponents which we have compiled.  
I thought it would be useful to you from time to time.



George T. Bell

SUBJECT:

OPPONENT PRIORITY ACTIVITY

Having studied the attached material and evaluated the recommendations for the discussed action, I believe you will find my list worthwhile for go status. It is in priority order.

1. PICKET, ARNOLD M.  
United Artists Corporation  
929 7th Avenue  
New York. N. Y.

Top Muskie fundraiser. Success here could be both debilitating and very embarrassing to the Muskie machine. If effort looks promising, both Ruth and David Picket should be programmed and then a follow-through with United Artists.

2. BARKAN, ALEXANDER E.  
National Director of AFL-CIO's Committee on Political Education  
Washington, D.C.

Without a doubt the most powerful political force programmed against us in 1968. (\$10 million dollars, 4.6 million votes, 115 million pamphlets, 176,000 workers - all programmed by Barkan's C.O.P.E. - So says Teddy White in The Making of the President '68). We can expect the same effort this time.

3. GUTHMAN, ED  
Managing Editor L. A. Times

Guthman, former Kennedy aide, was a highly sophisticated hatchetman against us in '68. It is obvious he is the prime mover behind the current Key Biscayne effort. It is time to give him the message.

4. DANE, MAXWELL  
Doyle, Dane and Bernbach  
New York

The top Democratic advertising firm - They destroyed Goldwater in '64. They should be hit hard starting with Dane.

5. CHARLES DYSON  
Dyson-Kissner Corporation  
New York

Dyson and Larry O'Brien were close business associates after '68. Dyson has huge business holdings and is presently deeply involved in the Businessmen's Educational Fund which bankrolls a national radio network of 5 minute programs - Anti-Nixon in character.

6. STEIN, HOWARD  
Dreyfus Corporation  
New York

Heaviest contributor to Mc Carthy in '68. If Mc Carthy goes, will do the same in '72. If not, Lindsay or Mc Govern will receive the funds.

7. LOWENSTEIN, ALLARD  
Long Island, New York

Guiding force behind the 18 year old "dump Nixon" vote drive.

8. HALPERIN, MORTON  
Leading executive at Common Cause

A scandal would be most helpful here.

9. WOODCOCK, LEONARD  
UAW  
Detroit, Michigan

No comments necessary

10. S. STERLING MUNRO, JR.  
Senator Jackson's AA  
711 Lambertson Drive, Silver Spring, Md.

We should give him a try. Positive results would stick a pin in Jackson's white hat.

11. FELD, BERNARD T.  
President  
Council for a Livable World

Heavy far left funding. They will program an "all court press" against us in '72.

12. DAVIDOFF, SIDNEY  
New York City  
Lindsay's top personal aide.

A first class S.O.B., wheeler-dealer and suspected bagman. Positive results would really shake the Lindsay camp and Lindsay's plans to capture youth vote. Davidoff in charge.

13. CONYERS, JOHN  
Congressman, Detroit

Coming on fast. Emerging as a leading black anti-Nixon spokesman. Has known weakness for white females.

14. LAMBERT, SAMUEL M.  
President  
National Education Association

Has taken us on vis a vis federal aid to parochial schools - a '72 issue.

15. MOTT, STEWART RAWLINGS  
Mott Associates  
New York

Nothing but big money for radic-lib candidates

16. DELIUMS, RONALD  
Congressman, California

Had extensive FMK-Tunney support in his election bid.  
Success might help in California next year.

17. SCHORR, DANIEL  
Columbia Broadcasting System  
Washington

A real media enemy.

18. S. HARRISON DOGOLE  
2011 Walnut Street  
Philadelphia, Pa.

President of Globe Security Systems - Fourth largest private detective agency in U. S. Heavy Humphrey contributor. Could program his agency against us.

19. PAUL NEWMAN  
California

Radic-Lib causes. Heavy Mc Carthy involvement '68. Used effectively in nationwide T.V. commercials. '72 involvement certain.

20. MC GROY, MARY  
2710 Macomb Street, Washington  
Columnist

Daily hate Nixon articles.

EXHIBIT No. 50

THE WHITE HOUSE

WASHINGTON

September 14, 1971

EYES ONLY

MEMORANDUM FOR:

LARRY HIGBY

FROM:

JOHN DEAN 

Attached is the list of names you requested, as well as additional materials containing other names.

The list I have prepared is merely suggestive; it is based on conversations I have had with others regarding persons who have both the desire and capability of harming us.

The list is limited to less than twenty persons, as it would be most difficult to proceed with more at this time. I would hope that we would continue to feed additional names into the process every few months, but we must keep this project within reasonable bounds.

I will await the review of these names -- as I feel certain there will probably be additions and deletions from the list -- before I take any action. Please keep the list at twenty or less.

Eugene Carson Blake	(per request)
Leonard Bernstein	(per request)
Arnold Picker	(United Artists Corp. - Top Muskie fund raiser)
Ed Guthman	(Managing Editor, L. A. Times)
Maxwell Dane	(Doyle, Dane & Bernbach)
Charles Dyson	(Associate of Larry O'Brien bankrolls anti-RN radio programs)
Howard Stein	(Dreyfus Corp. - Big Demo contributor)
Allard Lowenstein	(Pushing the Dump RN move with young people)
Morton Halperin	(Top Executive - Common Cause)
Leonard Woodcock	(UAW)
Dan Schorr	(CBS)
Mary McGrory	
Lloyd Cutler	(Principal force behind Common Cause law suit against RNC, DNC, et al)
Thomas Watson	(Muskie backer - IBM)
Tom Wicker	(N. Y. TIMES)
Clark Clifford	



## EXHIBIT NO. 51

27

with the other Dems growing". It was "bitter and provocative," in RFK's style, not JFK's. Wanniski says the RN-EMK appearances at the POW relatives' conclave may have been the first "Nixon-Kennedy debate" of '72. RN was received much better. ... Gerry Wills in Life and a New Republic reviewer on the Navasky book on RFK both reflect disillusion over the ex-AG's civil liberties record, especially as it relates to wire taps. And we learn RFK did much buddy-buddy work with the FBI in order to get power of his own. The book, says the New Republic, "pulls up short of saying that RFK drove us far down the road to repression."

National Observer's James Perry finds the chances for "the Oklahoma Hay Bailer" less than they were for the early Populists whom Fred Harris seeks to emulate largely thru gimmickry and in a fashion more reminiscent of RFK's "New Politics" effort to build a constituency to elect him rather than really develop a meaningful 3rd party coalition. ... Newsweek reports the big Calif. Dem primary may not be so big after all if top Dems. there are successful in setting up a "unity" slate with Tunney as favorite son.

DNC Treasurer Robert Strauss is supposedly under strong pressure to run against Sen. Tower and he confirmed he is giving it serious thought. Larry O'Brien however expressed confidence he wasn't going to lose Strauss. ... McCloskey compiled a perfect voting record last year on issues "central to the tradition of the GOP" according to Ripon. Coughlin, Gude and Riegle also scored 100. Highest on the Senate list were Goodell (96), Case (92), Hatfield (91) and Ribicoff (91). Rep. John McMillan was the only MC to receive a zero.

\* \* \* \*

MISCELLANY

Earlier reports that the prayer amendment might sail thru Congress may have been incorrect, reports US News, as some MCs are concerned about the bill's "vagueness" and "constitutional problems." ... According to National Observer, there's a new cause

cl is he  
on our list?  
L.  
or should he  
be?

## EXHIBIT No. 52

THE WHITE HOUSE  
WASHINGTONDate: 9/17TO: *John Dean*

FROM:

GORDON STRACHAN

*The attached should  
be of interest to  
you and the  
political enemies  
project.*

Partial list of "fat cats" attending Muskie weekend in Kennebunkport,  
Maine, Sept. 11-12, 1971:

Edward Atkins  
Bert Berinsky  
Paul Brontas  
Bill Brown  
Joe Chapman  
Sherrill Corwan  
Norman Cousins  
Cal Dalton  
Sen. Tom Eagleton, Mo.  
Joe Filner  
Harold Grant  
Sen. Mike Gravel, Alaska  
Stan Goldstein  
Bill Goldberg  
Jim Goodbody  
Dr. Sanford Greenberg  
John Guzey  
Malcolm Hecht  
Alex Hixon  
Ralph Hoagland

Harold Jacobs  
John Levinson  
Sen. Gale McGee, Wyoming  
Bob Nelson  
Arnold Picker  
Ralph Pomerance  
Mike Rea  
Eliot Robinson  
Joe Sinay  
Claude Spink  
Bob Squier  
Al Steinberg  
Martin Stone  
Bunny Solomon  
Peter Taroff  
Dave Tillinghast  
Lawrence Tisch  
Jack Valenti  
Stanley Wasie  
Mort Zuckerman

EXHIBIT No. 53

THE WHITE HOUSE  
WASHINGTON

October 26, 1971

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JOHN DEAN  
FROM: GORDON STRACHAN  
SUBJECT: Political Enemies

Lyn Nofziger sent the attached information on Chet Huntley to Bob Haldeman. Since you have the action on the political enemies project would you make a determination of what should happen, advise Nofziger, and mention your decision to me?

Thank you.

*Start file  
confid.*

*GK*

Republican  
National  
Committee.

October 19, 1971

EYES ONLY

MEMORANDUM FOR BOB HALDEMAN

FROM LYN NOFZIGER *LK*

RE: Chet Huntley

1. The State Chairman of Montana tells me Huntley claims to be a Republican and will support and work for whatever Republican runs against Senator Metcalf next year.
2. John Whitaker has ordered the Department of Agriculture to quit dragging its heels on "Big Sky", probably without any knowledge of the above or of my own project.

I believe we should (check one):

1. Give Mr. Huntley all the help we can with the clear understanding that he reciprocate with help to us in Montana.
2. Continue along the course we have been following since Mr. Huntley's intemperate remarks.
3. Same as #2 until we see how Mr. Huntley performs.

EYES ONLY

*Spoke with Ted  
& he said we'll inform  
Mr. that we should be  
kept posted, but neither  
will mess it around  
fear*

*agree  
so informed  
confirmed*

EXHIBIT No. 54  
THE WHITE HOUSE  
WASHINGTON

Administratively Confidential

November 5, 1971

MEMORANDUM FOR:

JOHN DEAN

FROM:

GORDON STRACHAN **G**

SUBJECT:

J. Irwin Miller

You probably noticed in this morning's news summary that J. Irwin Miller, "who is still giving money to Democrat John Lindsay though he states he will support RN and is also a backer of Lugar,". I trust you will use this information as you see fit in the "enemies" project.

when he himself suggested for the Federal bench a man "patently unqualified." All the Dems aren't amused by EMK's escalated activity, concludes Lasky as he quotes one who said: "I wouldn't want to buy a used car from RN, but if I did buy one, I sure as hell wouldn't want EMK to drive it."

*Dem* New York notes that Lindsay has been a regular visitor to Indiana and to J. Irwin Miller, who is still giving money to Dem JVL, tho he states he will support RN and is also a backer of Lugar. This may explain why JVL refused to campaign for Lugar's Dem opponent but along with fact that the Dem candidate was running an anti-busing campaign... New York's cover story is about 32 year old Ed Hamilton who came to NYC from Iowa 13 months ago and may be running it by Jan. '73. The scenario is that JVL will begin his campaign, Aurelio will resign to manage JVL and #3 Hamilton (budget director) will become Acting Mayor. Hamilton calls himself a Kennedy liberal and he is regarded as "about the smartest man I've ever met" by LBJ, McNamara, Nelson Rockefeller and Frank Mankiewicz. New York says he is a virtuoso.

ORC's Michael Rapoport writes in Washington Monthly that US political history can be seen as marked by "critical elections" (the last in '32) and '72 may well be the next one. As in the other epochal elections, there is widespread dissatisfaction with the major party and a substantial drop in voter turnout. Rapoport sees the increasingly large number of young, educated whites going Dem and the young, blue-collar whites turning to the GOP. The increased educational level among the young gives the Dems a much larger "educated mass" than the GOP ever possessed and correspondingly the working-class youth are a declining proportion of the white population. "If the economy -- [the only major issue on which the groups agree] has substantially recovered, the shape of the new alignment should become clear."

EXHIBIT No. 55

THE WHITE HOUSE  
WASHINGTON

Eyes Only

June 28, 1972

MEMORANDUM FOR:

MARGE ACKER  
TRUDY BROWN  
PAT BUCHANAN  
~~JOHN DEAN~~  
LARRY HIGBY  
DAN KINGSLEY  
GORDON STRACHEN  
JERRY WARREN  
LUCY WINCHESTER

FROM:

JOANNE GORDON

SUBJECT:

OPPONENTS LIST

The following people participated in the June 23, 24, 1972 rally establishing the National Labor for Peace Organization which includes a "dump Nixon" program. Please add them to your Opponents List.

Ron Borges  
IBT, Local 688

Joseph Belsky  
President  
Meat Cutters & Butcher Workmen of N. America  
2800 N. Sheridan Rd.  
Chicago, Illinois 60657

Harry Bridge's  
President  
Longshoremen's and Warehousemen's Union  
150 Golden Gate Ave  
San Francisco, California 94102

Cesar Chavez  
President, Farm Workers  
PO Box 130  
Delano, California 93215

Gerald R. Coleman  
General Secretary, International Union of Hatters, Cap and Millinery Workers  
245 5th Avenue  
New York, New York 10016

## Opponents List:

June 28, 1972

Murray Finley  
 Unopposed candidate for President  
 Amalgamated Clothing Workers of America  
 15 Union Square  
 New York City 10003

Albert J. Fitzgerald  
 President  
 United Electrical, Radio and Machine Workers of America ( Independent union)  
 11 East 51st Street  
 New York City 10022

Fred Fulford  
 President, United Furniture Workers of America  
 700 Broadway , 4th Floor  
 New York City 10003

Cleveland Robinson  
 Secretary-Treasurer  
 Distributive Workers of American, National Council of  
 13 Astor Place  
 New York City 10003

Leon Sverdlove  
 President and Secy Treas  
 International Jewelry Workers Union  
 8 W. 40th St. Suite 907  
 New York City 10018

Kenneth J. Brown  
 President, Lithographers and Photoengravers International Union  
 1900 L Street N.W.  
 Washington; D.C. 20036

Leonard Woodcock  
 President, United Auto Workers  
 8000 East Jefferson St.  
 Detroit, Michigan 48214

Jerry Wurf  
 President, American Federation of State, County and Municipal Employees  
 1155 15th Street N.W.  
 Washington, D.C. 20005



## EXHIBIT NO. 56

McGOVERN CAMPAIGN STAFF

Abzug, Rep. Bella	Co-chairwoman, McGovern-Shriver Women's National Advisory Committee
Armstrong, Robert	Texas Land Commissioner who is expected to have large role in McGovern Texas campaign
Brown, Willie L.	California McGovern Co-chairman
Caddell, Patrick	McGovern's private pollster
Caplin, Mortimer	Economic Speech Advisor Former head of IRS ..
Chayes, Dr. Abram	Foreign Policy Professor, Harvard University
* Clifford, Clark	Vice Chairman - Policy Panel for National Security Former Secretary of Defense
Cohen, Dick	Jewish Affairs Section
Cunningham, George	Deputy Campaign Manager
Daniels, Harley	McGovern State Coordinator
Davis, Lon	Youth
DeWind, Adrian	Economic Speech Advisor N. Y. Tax Attorney
* Dougherty, Richard	Press Secretary
Duffey, Rev. Joe	Citizens for McGovern-Shriver
* Dutton, Frederick G.	Senior Advisor
Farenthold, Frances (Sissy)	Co-chairwoman - National Citizens for McGovern-Shriver Texas State Legislator - former candidate for state governor

\* Starred names are repeated on last page

McGovern Campaign Staff  
Page - 2 -

✱ Gavin. Lt. Gen. James M. (Retired)	Vice Chairman - Policy Panel for National Security
Guggenheim, Charles	McGovern Media man - produces McGovern films
Halsted, Tom	Disarmament and related matters
✱ Hart, Gary	Campaign Director and Western Coordinator
Heller, Walter O	Economic Speech Advisor Former Chairman of Council of Economic Advisors
Himmelman, Harold	Campaign Aide for Northeast
✱ Holum, John D.	Research Assistant and Speech Writer
James, William S.	Co-chairman - Maryland Citizens for McGovern-Shriver
Jones, Kirby	Deputy Press Secretary
Kimelman, Henry	Finance Chairman - campaign funds and contributions
Kuh, Edwin	Economic Speech Advisor Professor, MIT
✱ LaRocque, Rear Adm. Gene (Retired)	Vice Chairman - Policy Panel for National Security
Levett, Michael	Maryland McGovern Campaign Coordinator
Lobell, Martin	Energy Formerly Sen. Proxmire's Legis- lative Assistant
MacLaine, Shirley	Co-chairwoman - McGovern-Shriver Women's National Advisory Com- mittee.

## McGovern Campaign Staff

Page - 3 -

* Mankiewicz, Frank	National Political Director
Martindell, Anne	Deputy Campaign Director Chairwoman to New Jersey Con- vention Delegation
McPherson, Mike	Shriver Travelling Staff Former Aide to Rep. William Clay (D-Mo.)
Meyers, Henry	Scientific Affairs and Environment
O'Brien, Lawrence	Campaign Chairman
Okun, Arthur M.	Economic Speech Advisor Former Chairman of Council of Economic Advisors Co-chairman, Dem. National Committee
Patterson, Basil	Economic Speech Advisor
Pechman, Joseph A.	Economist, Brookings Institution
Pokorny, Gene	Domestic Issues
* Proxmire, Senator William	Vice Chairman - Policy Panel for National Security)
Rapp, Stan	Ads for McGovern Rapp & Collins, New York, Adver- tising firm
Rubin, Miles	Fund Raiser Los Angeles Industrialist
Salinger, Pierre	Campaign Aide
* Schultze, Charles L.	Vice Chairman - Policy Panel for National Security Former Director, Bureau of the Budget
* Scoville, Herbert Jr.	Vice Chairman - Policy Panel for National Security Former CIA Deputy Director

McGovern Campaign Staff  
Page - 4 -

★ Smith, Floyd

Vice Chairman - Policy Panel  
for National Security  
President - Intl. Assn. of  
Machinists and Aerospace Workers

Stearnes, Rick

Campaign strategy

Surrey, Stanley S.

Economic Speech Advisor  
Professor, Harvard University

Sylvester, Edward S., Jr.

Director - Black Steering Com-  
mittee for McGovern  
Former Asst. Secretary of HEW

Tobin, James

Economic Speech Advisor  
Professor, Yale University

Van Dyck, Ted

Handling of substantive issues

★ Warnke, Paul C.

Co-Chairman - Policy Panel for  
National Security

Weil, Gordon

Substantive Issues  
Legislative Assistant to McGovern

Westwood, Jean

Co-chairwoman, Democratic  
National Committee

Wexler, Anne

Executive Director - Voter  
Registration  
Former Democratic Party Co-  
chairperson

White, Cissy

Press Aide

Willens, Harold

California Democratic Finance  
Chairman

★ York, Herbert F.

Co-chairman - Policy Panel for  
National Security  
Former Defense Dept. Director  
of Research and Engineering

Page 5

McGovern Top Campaign Aides

Frank Mankiewicz	National Political Director
Richard (Dick) Dougherty	Press Secretary
Gary Hart	Campaign Director
Frederick (Fred) G. Dutton	Senior Advisor
John D. Holum	Research Assistant and Speech Writer

POLICY PANEL FOR NATIONAL SECURITYCo-chairmen:

Paul C. Warnke  
Herbert F. York

Vice Chairmen:

Clark Clifford	National Security Planning
Lt. Gen. James Gavin	Military Manpower Needs
Rear Adm. Gene LaRocque	General Purpose Forces
Sen. William Proxmire	Military Procurement and Efficiency
Charles L. Schultze	Domestic Aspects of Military Spending
Herbert Scoville, Jr.	Nuclear Weapons Policy
Floyd Smith	Conversion of Defense Production to Peacetime Uses

## EXHIBIT No. 59

26/SEP/72	REVENUE SLIP	PROPERTY TO OUR AUDITING DEPARTMENT PHONE 657 5686	26/OCT/72	EXHIBIT 59 2,308.15	26/
-----------	--------------	---	-----------	------------------------	-----

**NATIONAL SAVINGS AND TRUST COMPANY**  
WASHINGTON, D. C. 20005

60n-024-4

JOHN WELSEY DEAN, III  
100 QUAY STREET  
ALEXANDRIA VIRGINIA 22314

Chartered by  
The Bank With  Congress 1867  
The Clock Tower

PAGE 1

DATE	CHECKS AND OTHER DEBITS		FEES	DEPOSITS	BALANCE	CA
09/26/72					1,923.01	09/
09/29				969.65		09/
	66.90	11.12			2,814.64	09/
10/03	243.12	90P.47			1,863.05	10/
10/05	171.60				1,491.49	10/
10/06	8.01	P.92				10/
	66.18	50.92			1,233.42	10/
10/10	57.81	497.05				10/
	82,8411				715.72	10/
10/11				969.65		10/
	6.63	26.65			1,632.09	10/
10/12	5.75	21.22			1,625.12	10/
10/13	98.70				1,526.42	10/
10/16	6.92	P.74				10/
	90.85				1,419.91	10/
10/17	302.35				1,117.56	10/
10/18				172.41	1,269.97	10/
10/19	7.00	0K.40			1,107.57	10/
10/20	119.82				1,067.75	10/
10/21	6.17				1,061.58	10/
10/24	4.50	40.00				10/
	4.00				1,003.00	

EXHIBIT No. 60

POLITICOS CONTINUED:

12 BLACK CONGRESSMEN

Shirley Chisholm

William Clay

George Collins

John Conyers

Ronald Dellums

Charles Diggs

Augustus Hawkins

Ralph Metcalf

Robert N. C. Nix :

Parren Mitchell

Charles Rangel

Louis Stokes

MISCELLANEOUS POLITICOS

John V. Lindsay, Mayor, New York City

Eugene McCarthy, Former U. S. Senator

George Wallace, Governor, Alabama

## POLITICOS

SENATORS

- > Birch Bayh
- > J. W. Fulbright
- > Fred R. Harris
- > Harold Hughes
- > Edward M. Kennedy
- > George McGovern
- > Walter Mondale
- ' Edmund Muskie
- " Gaylord Nelson
- ' William Proxmire

MEMBERS OF THE HOUSE

- ' Bella Abzug
- ' William R. Anderson
- ' John Brademas
- ' Father Robert F. Drinan
- ' Robert Kastenmeier
- ' Wright Patman



## ORGANIZATIONS

- >>> Black Panthers, Hughie Newton
- >>> Brookings Institution, Lesley Gelb *and others*  
 Business Executives Move for VN Peace-Henry Niles, Nat. Chmn, Vincent McGee, Jr  
 Committee for an Effective Congress, Russell D. Hemenway -7/ Exec. Director
- > Common Cause, ✓ John Gardner, Morton Halperin, Charles Goodell, Walter Hickel
- > COPE, ✓ Alexander E. Barkan
- > Council for a Livable World, Bernard T. Feld, President; Prof. Physics, MIT
- > Farmers Union, NFO
- >> Institute of Policy Study, Richard Barnet, Marcus Raskin  
 National Economic Council, Inc.
- > National Education Association, Sam M. Lambert, President
- > National Student Association, Charles Palmer, President
- > National Welfare Rights Organization, George Wiley
- > Potomac Associates, <sup>William</sup> ~~Richard~~ Watts
- > SANE, Sanford Gottlieb
- > Southern Christian Leadership, Ralph Abernathy
- Third National Convocation on The Challenge of Building Peace, Robert V. Roosa, Chmn

*Businessmen's Educational Fund*

MEDIA CONTINUED:

- > The New York Times
- > Washington Post
- > St. Louis Post Dispatch

Jules Duscha, Washingtonian

Robert Maning, Editor Atlantic

- > John Osborne, New Republic
- > Richard Rovere, New Yorker
- > Robert Sherrill, Nation
- > Paul Samuelson, Newsweek

~~WHL~~ Julian Goodman, Chief Executive Officer, NBC

John Macy, Jr., Pres., Public Broadcasting Corporation; former Civil Service Comm.

Marvin Kalb, CBS

- > ~~✓~~ Daniel Schorr, CBS

Lem Tucker, NBC

- >> Sander Vanocur, NBC

## MEDIA CONTINUED:

- ⇒ Joseph Kraft, syndicated columnist, Publishers Hall
- James Laird, Philadelphia Inquirer
- Max Lerner, syndicated columnist, New York Post; author, lecturer, professor-Brandeis
- Stanley Levey, Scripps Howard
- ⇒ Flora Lewis, syndicated columnist on economics
- > Stuart Loory, Los Angeles Times
- ⇒ Mary McGrory, syndicated columnist on New Left \*
- ⇒ Frank Mankiewicz, syndicated columnist, Los Angeles Times
- James Millstone, St. Louis Post Dispatch
- Martin Nolan, Boston Globe
- ED BUTTMAN, L.A. TIMES \***
- Thomas O'Neill, Baltimore Sun
- >> John Pierson, Wall Street Journal
- William Prochnau, Seattle Times
- James Reston, New York Times
- ⇒ Carl Rowan, syndicated columnist, Publishers Hall
- >>> Warren Unna, Washington Post, NET
- Harriet Van Horne, columnist, New York Post
- Milton Viorst, reporter, author, writer
- > James Wechsler, New York Post
- ⇒ Tom Wicker, New York Times
- > Gary Wills, syndicated columnist, author of "Nixon-Agonistes"

✓ MEDIA

Jack Anderson, columnist, "Washington Merry-go-Round"

Jim Bishop, author, columnist, King Features Syndicate

➤ Thomas Braden, columnist, Los Angeles Times Syndicate

D.J.R. Bruckner, Los Angeles Times Syndicate

Marquis Childs, chief Washington correspondent, St. Louis Post Dispatch

James Deakin, White House correspondent, St. Louis Post Dispatch

James Doyle, Washington Star

➤ Richard Dudman, St. Louis Post Dispatch

William Eaton, Chicago Daily News

Rowland Evans, Jr., syndicated columnist, Publishers Hall

Saul Friedmann, Knight Newspapers, syndicated columnist

➤ Clayton Fritchey, syndicated columnist; Washington correspondent, Harpers

George Frazier, Boston Globe

Pete Hamill, New York Post

➤ Michael Harrington, author and journalist; Member, Executive Comm. Socialist Party

Sydney Harris, columnist; drama critic and writer of "Strictly Personal", syndicated, Publishers Hall

Robert Healy, Boston Globe

William Hines, Jr., journalist; science and education, Chicago Times

Stanley Karnow, foreign correspondent, Washington Post

Ted Knap, syndicated columnist, New York Daily News

Erwin Knoll, Progressive

Morton Kondracke, Chicago Sun Times

## LABOR

- ~~Karl Feller, Pres. Internat. Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers, Cincinnati~~
- ✓ ~~Harold J. Gibbons, International Vice Pres., Teamsters~~
- ~~A.F. Grospiron, Pres., Oil, Chemical & Atomic Workers International Union, Denver~~
- ~~Matthew Guinan, Pres., Transport Workers Union of America, New York City~~
- ~~Paul Jennings, Pres. Internat. Union of Electrical, Radio & Machine Workers, D.C.~~
- ~~Herman D. Kenin, Vice Pres., AFL-CIO, D.C.~~
- ~~Lane Kirkland, Secretary-Treasurer, AFL-CIO ( but we must deal with him)~~
- ~~Frederick O'Neal, Pres., Actors and Artists of America, New York City~~
- ~~William Pollock, Pres., Textile Workers Union of America, New York City~~
- ~~Jacob Potofsky, General Pres., Amalgamated Clothing Workers of America, New York~~
- ✓ ~~Leonard Woodcock, President, United Auto Workers, Detroit~~
- ✓ ~~Ferry Wurf, Internat. President, American Federal, State, County and Municipal Employees, Washington, D.C.~~

*Add:*

*Nathaniel Goldfinger, AFL-CIO*

*I. W. Abel, Steelworkers.*

## CELEBRITIES

Carol Channing, actress

Bill Cosby, actor

✓ Jane Fonda, actress

Steve McQueen, actor

Joe Namath, New York Giants; businessman; actor

> ✓ Paul Newman, actor

✓ Gregory Peck, actor

Tony Randall, actor

Barbra Streisand, actress

Dick Gregory-

## BUSINESS ADDITIONS

Business Executives Move for Vietnam Peace and New National Priorities Cont:

Morton Sweig, President, National Cleaning Contractors

Alan V. Tishman, Exec. VP , Tishman Realty & Construction Co., Inc.

Ira D. Wallach, President, Gottesman & Co., Inc.

George Weissman, President, Philip Morris Corp.

Ralph Weller, President, Otis Elevator Company

## BUSINESS ADDITIONS

Business Executives Move for Vietnam Peace and New National Priorities:

Charles B. Beneson, President, Beneson Realty Co.

Nelson Bengston, President, Bengston & Co.

Holmes Brown, Vice President, Public Relations, Continental Can Co.

Benjamin Buttenweiser, Limited Partner, Kuhn, Loeb & Co.

Lawrence G. Chait, Chairman, Lawrence G. Chait & Co., Inc

Ernest R. Chanes, President, Consolidated Water Conditioning Co.

Maxwell Dane, Chairman, Exec. Committee, Doyle, Dane & Bernbach, Inc.

Charles H. Dyson, Chairman, The Dyson-Kissner Corp. \*

Norman Eisner, President, Lincoln Graphic Arts

Charles B. Finch, Vice President, Alleghany Power System Inc.

Frank Heineman, President, Men's Wear International

George Hillman, President, Ellery Products Manufacturing Co.

Bertram Lichtenstein, President, Delton Ltd.

William Manealoff, President, Concord Steel Corp.

Gerald McKee, President, McKee, Berger, Mansueto

Paul Milstein, President, Circle Industries Corp.

> ✓ Stewart R. Mott, Stewart R. Mott, Associates

Lawrence S. Phillips, President, Phillips-Van Heusen Corp.

David Rose, Chairman, Rose Associates

Julian Roth, Senior Partner, Emery Roth & Sons

William Ruder, President, Ruder & Finn, Inc.

Si Scharer, President, Scharer Associates, Inc.

Alfred P. Slaner, President, Kayser-Roth Corp.

Roger Son nabend, Chairman, Sonesta International Hotels



## BUSINESS

Clifford Alexander, Jr., Member, Equal Opportunity Comm; LBJ's Spec. Assistant

Hugh Calkins, Cleveland lawyer, member, Harvard Corporation

> ✓ Ramsey Clark, partner, Weiss, Goldberg, Rifkind, Wharton & Garrison; former Attorney General

✓ Lloyd Cutler, lawyer, Wilmer, Cutler & Pickering, Washington, D.C.

> Henry L. Kimelman, chief fund raiser for McGovern; Pres., Overview Group

Raymond Lapin, former Pres., FNMA; corporation executive

Hans F. Loeser, Chairman, Boston Lawyers' Vietnam Committee

>> Robert McNamara, President, World Bank; former Secretary of Defense

(Hans) Morgenthau, former U.S. Attorney in New York City

Victor Palmieri, lawyer, business consultant, real estate exec., Los Angeles

Arnold Picker, Muskie's chief fund raiser; Chmn. Exec Comm., United Artists

Robert S. Pirie, Harold Hughes' chief fund raiser; Boston lawyer

Joseph Rosenfield, Harold Hughes' money man; retired Des Moines lawyer

> Henry Rowen, Pres., Rand Corp; former Asst. Director of Budget (LBJ)

>> R. Sargent Shriver, Jr., former US Ambassador to France; lawyer, Strasser, Spiegelberg, Fried, Frank & Kempelman, Washington, D.C.

>> Theodore Sorensen, lawyer, Weiss, Goldberg, Rifkind, Wharton & Garrison, New York

Ray Stark, Broadway producer

Howard Stein, President and Director, Dreyfus Corporation

✓ Milton Semer, Chairman, Muskie Election Committee; lawyer, Semer and Jacobsen

George H. Talbot, Pres., Charlotte Liberty Mutual Insurance Co. headed anti VN ad

Arthur Taylor, Vice President, International Paper Company

Jack Valenti, President, Motion Picture Association

>> Paul Warnke, Muskie financial supporter, former Asst. Secy. of Defense

✓ Thomas J. Watson, Jr., Muskie financial supporter; Chmn, IBM

## ACADEMICS

Michael Ellis De Bakey, Chmn., Dept. Surgery, Baylor University; Surgeon-in-chief, Ben Taub General Hospital, Texas

Derek Curtis Bok, Dean, Harvard Law School

> Kingman Brewster, Jr., President Yale University

> McGeorge Bundy, President, Ford Foundation

> Avram Noam Chomsky, Professor of Modern Languages, MIT

> Daniel Ellsberg, Professor, MIT

George Drennen Fischer, Member, Executive Committee, National Education Assn.

> ✓ J. Kenneth Galbraith, Professor of Economics, Harvard

Patricia Harris, educator, lawyer, former US Ambassador; Chmn Welfare Committee Urban League

> Walter Heller, Regents Professor of Economics, University of Minnesota

Edwin Land, Professor of Physics, MIT

Herbert Ley, Jr., former FDA Commissioner; Professor of Epidemiology, Harvard

Matthew Stanley Meselson, Professor of Biology, Harvard

Lloyd N. Morrisett, Professor and Associate Dir., Education Program, U. of Calif.

Joseph Rhodes, Jr., Fellow, Harvard; Member, Scranton Comm. on Campus Unrest

Bayard Rustin, civil rights activists; Dir., A. Philip Randolph Institute, New York

David Selden, President, American Federation of Teachers

> Arthur Schlesinger, Jr., Professor of Humanities, City University of New York

> Jeremy Stone, Director, Federation of American Scientists

> ✓ Jerome Wiesner, President, MIT

Samuel M. Lambert, Pres. National Education Assn.

EXHIBIT No. 61

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

November 11, 1971

CONFIDENTIAL

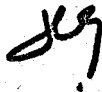
MEMORANDUM FOR:

MARGE ACKER  
PAT BUCHANAN  
JOHN DEAN ✓  
LARRY HIGBY  
DAN KINGSLEY  
GORDON STRACHEN  
VAN SHUMWAY  
JERRY WARREN  
LUCY WINCHESTER

SUBJECT:

OPPONENTS LISTS

Please add the attached to your copy of the Opponents List.



Joanne Gordon

to achieve full employment and guarantee an adequate income for every American.

The nation's depressed economy starves schools, hospitals and welfare programs, and places the

burden on the no longer silent majority's demand for immediate withdrawal.

Aware of the need for united antiwar action, we have joined together in a common program for the Fall. Our aim is to bring this war to an end and to

bring peace to the world. The united demonstrations of October 13 and November 6 can be the most massive in American history.

Join the actions this Fall. Your financial support to the Joint Fall Peace Fund is urgently needed. The time is now!

**Rev. Ralph Abernathy**  
Southern Christian  
Leadership Conference  
**Robert Abrams**  
Bronx Bor. Pres.  
**Rep. Bella Abzug**  
New York  
**Carmen Alessia**  
La Raza Unida Party  
Northern California  
**Shana Alexander**  
Editor-in-Chief  
Metall's Magazine  
**Rep. Herman Badillo**  
New York  
**Rafael Baraga**  
Chair, Movement for  
Independence of P.R.  
**Elma Barrera**  
Organizer, Nat'l.  
Chicago Conf.  
**Sen. Birch Bayh**  
Indiana  
**Norma Becker**  
Coordinator, Vietnam  
Peace Parade Comm.  
**Rep. Jonathan Bingham**  
New York  
**Fr. Dan Berigan**  
San Francisco  
Author & Spokesman  
**Haywood Burns**  
Nat'l. Unit. of Black  
Lawyers  
**Debby Budin**  
Student Mobilization Comm.  
**Katherine Camp**  
Women's Int'l. F. for  
Peace & Freedom  
**Prof. Noam Chomsky**  
MIT  
Committee on Human Rights  
Min. Dir., NYC Council  
**Rev. William Shomo Coffin, Jr.**  
Unit. Chaplin, Yale U.  
**Rep. John Conyers, Jr.**  
Michigan  
**Mary Cutler**  
Irish Repub. Clubs  
in U.S. & Canada  
**Leann Davis**  
Pres., Drug & Hosp. Union  
RWDSU, AFL-CIO

**Ossie Davis**  
**Rennie Davis**  
PCPJ  
**Ruby Dee**  
**Dave Dellinger**  
PCPJ  
**Rep. Ronald V. Dellums**  
California  
**Duane Draper**  
Pres., Assoc. Student Govts.  
California  
**Daniel Ellsberg**  
**Jules Feiffer**  
Cartoonist & Writer  
"Abe Vigoda"  
Int'l. V-P. Amal. Meat  
Cutters, AFL-CIO  
**Rev. Richard Fernandez**  
Chgo. & Los Angeles  
**June Fonda**  
Hearst Unit.  
Pres., J. Bd., Fur,  
Leather & Machine Wks.  
Union, AFL-CIO, N.Y.  
**Mike Foner**  
Exec. Sec., Local 1199,  
Drug & Hosp. Union, RWDSU,  
AFL-CIO, N.Y.  
**Betty Friedman**  
Writer  
**Ruth Gage-Collis**  
NPAC  
**Ren Gazzara**  
Actor  
**Harold Gibbons**  
V-P, Int'l. Brotherhood  
of Teamsters  
**Rodolfo "Curly" Gonzales**  
Denver Crusade for Justice  
**Jerry Guggen**  
NPAC  
**Patrick E. Gorman**  
Secy. Treas., Amal. Meat  
Cutters, AFL-CIO  
**Jose Angel Gutierrez**  
Founder, La Raza Unida Party  
Crystal City, Texas  
**Sen. Vance Hartke**  
Indiana  
**Joseph Heller**  
Author  
**Nat. Hentoff**  
Author

**Stanley Hill**  
Pres., SSBU-371, AFSCME,  
AFL-CIO, NYC  
**Rep. Jesse Jackson**  
SCLC, Opo, Basketball  
**Rep. Robert Kastenmeier**  
Wisconsin  
**Murray Kampton**  
Journalist  
**Rev. Robert F. Kennedy**  
Nat'l. Fed. of Priests Councils  
**Coretta Scott King**  
**Arthur Kinoy**  
Law Dir. for Const. Rts.  
**Fletcher Knebel**  
Author  
**Rev. Charles Koen**  
Cairo Black United Front  
**James Lafferty**  
NPAC  
**Corliss and Helen Lamont**  
Authors  
**Ring Lardner, Jr.**  
Writer  
**David Livingston**  
Pres., Dist. 65, Nat'l.  
Council of Distrib. Wks.,  
A.F.A., NYC  
**Sam Love**  
Environmental Action  
All-Lowenstein  
Nat'l. Chair, Amer. for  
Dem. Action  
**Sam Meyers**  
Pres., UAW, Local 259, NYC  
**Arthur Miller**  
Playwright  
**Rep. Parren Mitchell**  
Maryland  
**Rt. Rev. Paul Moore, Jr.**  
Bishop Coadjutor  
Ep. Diocese of N.Y.  
**Dr. Hans J. Morganthau**  
Paul O'Dwyer  
Silliman M. Peck  
PCPJ  
**Sam Pezzner**  
Exec. Dir., Jew. Cultural  
Clubs & Societies, N.Y.  
**Tony Randall**  
**Rep. Charles Rangel**  
New York

**Carl Reiner**  
Dir. & Producer  
**Vicor Renner**  
Dir., UAW Int'l. Affairs  
**Herbert Rickman**  
Exec. Dir., NYC  
Democratic Comm.  
**Frank Rosenblum**  
Gen. Secy., Treas., Amal.  
Clothing Wks. of Amer.,  
AFL-CIO  
**Rep. Benjamin Rosenthal**  
New York  
**Muriel Rukeyser**  
Poet  
**Robert Ryan**  
Actor  
**Rep. William F. Ryan**  
New York  
**Pat Samuels**  
PCPJ  
**Beulah Sanders**  
Chair., Exec. Comm.,  
Nat'l. Well. Rts. Orgn.  
**Joan A. Santiago**  
SEIU Program,  
Queens College  
**Rep. James Scheuer**  
New York  
**Dr. Robert J. Schwartz**  
Chair., N.Y. SANE

**J. Stanley Shaw**  
Chair., Queens City  
Liberal Party  
**Rep. Fred L. Shuttlesworth**  
Pres., Southern Conf. Educ.  
Fund  
**William Simons**  
Pres., Local 6, Amer. Fed.  
of Teachers, AFL-CIO,  
Wash., D.C.  
**Dr. Benjamin Spock**  
**Gloria Steinem**  
Writer  
**Carl B. Stokes**  
Mayor of Cleveland  
**Rep. Louis Stokes**  
Ohio  
**E. F. Stone**  
Earl Stone  
Int'l. V-P, AFSCME,  
AFL-CIO, Phila.  
**Perry Sutton**  
Mass. Bor. Pres.  
**Leon Swerdlow**  
Pres., Int'l. Jewelry Wks.  
of Amer., AFL-CIO  
**Ann Swerdlow**  
Women Strike for Peace  
**Margery Tabackin**  
Pres., Nat'l. Student Assn.

**Sen. John V. Tunney**  
California  
**Vietnam Veterans**  
Against the War  
**Prof. George Wald**  
Harvard Univ.  
**Gerald Walker**  
Novelist & Ed. Staff,  
N.Y. Times Mag.  
**Cora Webb**  
Women Strike for Peace  
**George Wiley**  
Exec. Dir., Nat'l.  
Well. Rts. Orgn.  
**John T. Williams**  
NPAC  
**Dr. Quentin Young**  
Pres., Med. Comm. for  
Human Rights  
**Prof. Howard Zinn**  
Boston Univ.

(Organizations listed for  
identification purposes only.)  
These union officers are  
among the initiators of the  
joint actions and are members  
of the Joint Fall Peace Fund.

**For: Joint Fall Peace Fund, c/o David Livingston, Pres., Dist. 65, Retail, Wholesale and Distrib. Workers, 13 Astor Place, New York, New York 10003**

Make checks payable to Joint Fall Peace Fund.

☐ Here is my contribution of \$ \_\_\_\_\_

☐ I endorse the October 13 and November 6 Peace activities. Please keep me informed.

☐ My organization, \_\_\_\_\_, endorses the activities.

☐ I want to volunteer to work on the Fall demonstrations. Contact me.

Name \_\_\_\_\_ Address \_\_\_\_\_

City & State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

**Co-Sponsored by: National Peace Action Coalition (NPAC) and People's Coalition for Peace and Justice (PCPJ)**

For further information: NPAC national office: 150 Fifth Ave., New York, N.Y. 10011, Rm. 911. Tel. (212) 741-2018 • PCPJ national office: 917 15th St. N.W., Washington, D.C. 20005, Rm. 602. Tel. (202) 737-8600

THE WHITE HOUSE  
WASHINGTON

June 2, 1972

**CONFIDENTIAL**

MEMORANDUM FOR:

MARGE ACKER  
TRUDY BROWN  
PAT BUCHANAN  
✓ JOHN DEAN  
LARRY HIGBY  
DAN KINGSLEY  
GORDON STRACHEN  
JERRY WARREN  
LUCY WINCHESTER

FROM:

JOANNE GORDON *seg*

The following people who are involved with the National Committee for the Impeachment of the President should be added to your Opponents List:

Ernest Gruening ( Former Senator, Alaska)  
Randolph Phillips, Attorney prose, consultant to attorneys ( 1944-72)  
Richard L. Bobrick, Attorney  
Dr. Elizabeth A. Most,  
Alfred Hassler, Fellowship of Reconciliation, Nyack, N. Y.  
Ron Young, Fellowship of Reconciliation, Washington, D. C.  
Richard A. Falk, Milbank Professor of International Law, Princeton , N. J.  
Vern Countryman, Professor of Law, Harvard University  
Fagan Dickson, Austin, Texas  
William Stringfellow, Block Island, R.I.  
Nancy Wood, Princeton, N. J.

EXHIBIT No. 62

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

May 16, 1972

CONFIDENTIAL

MEMORANDUM FOR:

MARGE ACKER  
TRUDY BROWN  
PAT BUCHANAN  
✓ JOHN DEAN  
LARRY HIGBY  
DAN KINGSLEY  
GORDON STRACHEN  
JERRY WARREN  
LUCY WINCHESTER

FROM:

JOANNE GORDON 89

The attached list of sponsors of the "Salute to Victor Reuther" should be added to your copy of the "Opponents List".

**Sponsors****(Partial Listing)**

Mr. and Mrs. J. Wesley Adams  
 Mr. Albert E. Albertoni  
 Mr. and Mrs. Robert E. Asher  
 Vive and Dick Baylinson  
 Mr. and Mrs. Daniel S. Bedell  
 Hyman and Boscha Bookbinder  
 The Honorable John Brademas  
 Jim and Otha Brown  
 The Honorable Benjamin V. Cohen  
 Carlo and David Cohen  
 Marjorie and Oscar Cohen  
 Mr. and Mrs. Wallace M. Cohen  
 Jack and Lu Verne Conway  
 Mr. Nelson H. Cruikshank  
 Mr. and Mrs. William Dodds  
 Mr. and Mrs. Telford E. Dudley  
 Ms Janice Eichhorn  
 Mr. Max Fine  
 Mr. and Mrs. Henry C. Fletcher  
 The Honorable and Mr. Donald M. Fraser  
 Dr. and Mrs. Frank F. Furstenberg Sr.  
 Mr. Robert W. Gilmore  
 Mr. and Mrs. Joseph Glazer  
 Mr. James A. Hamilton  
 The Honorable and Mrs. W. Averell Harriman  
 Mr. and Mrs. Robert O. Harris  
 The Honorable Philip A. Hays  
 Mr. and Mrs. James H. Heller  
 Mr. and Mrs. William Hutton  
 International Association of Fire Fighters  
 Mr. and Mrs. Newman Jeffrey  
 Mr. Edward Kessler  
 Mr. and Mrs. Leon H. Kayartling  
 Arthur and Alice Kinnabrew  
 Mr. and Mrs. Rune Larson  
 Mr. and Mrs. Pietro Lazzari  
 Mr. and Mrs. Leonard Lesser  
 Mr. and Mrs. James I. Loeb  
 Mr. and Mrs. David H. Marlin  
 Edith and Frank McCulloch  
 The Honorable George McGovern  
 Ms Malina Marcourt  
 Mr. E. T. Michael  
 Miss Lilian Mirvis  
 Mr. and Mrs. Amicus Most  
 The Honorable Edmund S. Muskie  
 Mr. William H. Oliver  
 Esther and Oliver Peterson  
 Mr. and Mrs. Joseph L. Rouk, Jr.  
 Mr. and Mrs. Herman Rebhan  
 Morris and Gertrude Riger  
 Mr. and Mrs. Edmond F. Rovner  
 Sina and Henry Santerveyan  
 Mr. and Mrs. George Schermer  
 Mr. and Mrs. Leon Shull  
 Mrs. and Mrs. Philip Stern  
 Mrs. Oskar Stonorov  
 U.A.W.—Region 8  
 Mr. and Mrs. Paul A. Wagner  
 Mr. and Mrs. Joseph Walsh  
 Mr. and Mrs. Thomas W. Wilson, Jr.  
 The Honorable Willard W. Wirtz  
 Mr. Leonard Woodcock  
 Mr. Jerry Wurf  
 Thelma and Abe Zwerdling

A complete listing of  
 Sponsors will appear  
 in the dinner journal.

The Greater Washington Chapter  
 Americans For Democratic Action

Invites You

To Attend

## 'A Salute To Victor Reuther'

Retiring Director, International Affairs Department, UAW  
 Former Chairman, Greater Washington Chapter, ADA

Saturday, February 26, 1972  
 Park Room, Sheraton-Park Hotel  
 Washington, D.C.

Welcome:

David H. Marlin

Toastmaster:

Joseph L. Rauh, Jr.

Allard K. Lowenstein  
 Clarence Mitchell  
 Leonard Woodcock

Reception 6:30 P.M.

Dinner 7:30 P.M.

Contribution \$15.00 per person

There will be no fund solicitation at the dinner

## EXHIBIT No. 63

CORPORATE EXECUTIVES COMMITTEE FOR PEACETRIP TO WASHINGTON -- JUNE 25, 1970

Donald B. Armstrong  
Senior Vice President  
Associate Director  
J. Walter Thompson

Norma Bodine  
Creative Director  
Hicks & Greist

Alan D. Bogorad  
President  
Alan D. Bogorad Co.

Joseph Brouillard  
Vice President  
J. Walter Thompson

Allan I. Brown  
V. P. - Marketing  
Plaza Group, Inc.

Sanford Buchsbaum  
Vice President  
Revlon

Richard Clarke  
President  
Richard Clarke Assoc.

Beatrice Coleman  
President  
Maidenform, Inc.

James L. Conklin  
President  
Conklin-Stein

Betty Cott  
Senior Vice President  
Ruder & Finn, Inc.

Kay Daly  
Vice President  
Revlon

Robert David  
President  
David, Oksner &  
Mitchneck, Inc.

Adrian W. DeWind  
Attorney  
Paul, Weiss, Goldberg,  
Rifkind, Wharton & Garrison

Benjamin DeYoung  
Marketing Supervisor  
Bristol-Myers Company

Robert Dolobawsky  
President  
Warren, Muller &  
Dolobawsky, Inc.

George W. Feld  
Director Adv. Services  
Revlon

Jerry Fields  
President  
Jerry Fields Assoc.

Richard Finnis  
President  
Richard Finnis Enterprises

Betty Freedman  
Creative Director  
Grey Advertising

Joseph J. Freedman  
V. P. - General Manager  
Charles of the Ritz

Barbara Gittler  
Senior Vice President  
Jerry Fields Assoc.

John Glucksman  
Cons. Engineer  
John Glucksman Co.

Aaron Gottlieb  
Vice President-Treasurer  
National Transportation Co.

Lester Greenberg  
Attorney  
Lester Greenberg

Edwin Greenblatt  
Vice President  
Sullivan, Stauffer,  
Colwell & Bayles, Inc.

Jeremy Gury  
Deputy Chm. of the Board  
Ted Bates & Co., Inc.

Alan Hahn  
President  
Seaward Edison Corp.

E. Patrick Healy  
V. P. - Dir. Personnel  
Young & Rubicam, Inc.

Henry C. Heppen  
Senior Vice President  
Maidenform, Inc.

Arthur M. Hettich  
Editor  
Family Circle Magazine

John C. Horvitz  
Marketing Director  
Estee Lauder-Aramis Div.

Judson H. Irish  
Advertising Consultant

David J. Jacobson  
President  
Metro-Goldwyn Mayer  
Merchandising Corporation

Marvin Kahan  
Vice President  
Hudson-Shatz Painting Co.

Lawrence Kane  
Executive Vice President  
Kane, Light, Gladney, Inc.

Mrs. Lawrence Kane  
Kane, Light, Gladney, Inc.

(Copy illegible)

Note: This is a true copy of the original document.  
Original document was not legible enough for photographing  
but will be retained in committee files.



CORPORATE EXECUTIVES COMMITTEE FOR PEACETRIP TO WASHINGTON -- JUNE 25, 1970

2

Abraham Kanner  
Senior V.P.-Finance  
Maidenform, Inc.

Stanley Katz  
President  
Leber, Katz, Paccione

John Kaufman  
President  
Van Lith Corp.

R. David Kimble  
Vice President  
Grey Advertising

James Lebenthal  
Executive V. P.  
Lebenthal & Co., Inc.

James LeShufy  
Vice President  
Consolidated Fine  
Arts, Limited

William Levison, Jr.  
President  
Wilton Associates

David C. Levy  
Dean  
Parsons School of  
Design

Ann Lewis  
Copywriter  
Grey Advertising

George McKay, Jr.  
President  
George McKay & Assoc.

Joseph McMahon  
President  
Joseph McMahon  
Enterprises, Ltd.

Arnold Miller  
Director New Products  
Feberge, Inc.

Harold Miller  
Senior V. P.-Media &  
Network Programming  
Sullivan, Stauffer,  
Colwell & Bayles, Inc.

John Miraglia  
President  
JPM Associates, Inc.

Judson H. Morris  
Vice President -  
Group Director  
Bristol-Myers Company

W. Richard Mullan  
V. P.-Acct. Director  
Ted Bates & Co., Inc.

Mrs. W. Richard Mullan

Lawrence J. Muller  
Executive Vice President  
Warren, Muller,  
Dolobawsky, Inc.

Robert Nadel  
Hertz & Herson

Sylvia S. Neumann  
Vice President  
Young & Rubicam, Inc.

Onofrio Paccione  
Executive Vice President  
Leber, Katz, Paccione

Arthur Pearson  
Director Mkt. Planning  
Bristol-Myers Company

(Copy illegible)

Harry Phillips, III  
President  
H&R Phillips, Inc.

Robert Pliskin  
Executive Vice President  
The First Team, Inc.

George Poris  
Vice President-Advertising  
Revlon

David Rappaport  
President  
Damon Creations

Richard H. Restler  
Partner  
Capri Jewelry Co.

Arnold E. Rogers  
Chairman of the Board  
Rogers Engraving Co., Inc.

Leo M. Rogers  
Chairman, Exec. Com.  
Rogers Engraving Co., Inc.

Fay Rosen  
Sales Promotion Manager  
Maidenform, Inc.

Ellis Rosenthal  
Senior V. P.-Manufacturing  
Maidenform, Inc.

Mike Ross  
Vice President-Treasurer  
C. M. Group, Inc.

Martin Rubenstein  
Vice President  
Werner Mgmt. Consultants

CORPORATE EXECUTIVES COMMITTEE FOR PEACETRIP TO WASHINGTON -- JUNE 25, 1970

3

Martin Schrader  
Publisher  
Town & Country Magazine

Sanford Schwarz  
President  
Sanford Schwarz & Co.

John J. Sheedy  
Vice President -  
Group Director  
Bristol-Myers Company

Leonard S. Silverfine  
Account Supervisor  
Grey Advertising

Martin Stevens  
Vice President  
Revlon

Henry D. Taft  
Executive Vice President  
Bristol-Myers Company

William Tomson  
Vice President  
Sullivan, Stauffer,  
Colwell & Bayles, Inc.

Derrik Van Nimwegen  
Director of Special  
Projects  
Bristol-Myers Company

Peggy Prag Varady  
Vice President  
Papert, Koenig, Lois

Bert Wagner  
Vice President  
Sullivan, Stauffer,  
Colwell & Bayles, Inc.

Gordon Webber  
Vice President  
Benton & Bowles, Inc.

Lawrence Wechsler  
Senior Vice President  
Revlon

Barrett Welch  
President  
Carter Products, Inc.

Annette Wilen  
Asst. to the President  
Herb Wilen Studio, Inc.

Herbert Wilen  
President  
Herb Wilen Studio, Inc.

Richard W. Weiner  
Richard W. Weiner, Inc.

Paul Woolard  
Executive Vice President  
Revlon

Hal Davis  
President  
Grey & Davis

Sydney Derman  
President  
Skyliner Salon Corp.

Fred Papert  
President  
Papert, Koenig, Lois

A TRUE COPY

## EXHIBIT No. 64

Democrat Contributors of \$25,000 or More in 1968 Campaigns  
( from June 20, 1971 New York Times Story)

- ✓ Herbert A. Allen, N.Y., partner, Allen & Co., \$57,500.
- ✓ Robert S. Benjamin, N.Y., Chairman, United Artists Corps, friend of LBJ, \$330
- Daniel J. Bernstein, deceased. stockbroker, \$110,062
- Harold W. Bostrom, Milwaukee, retired, founder Bostrom Corp., \$25,000
- Harry Brandt, N.Y., motion pix theatre owner, \$46,000
- Chester F. Carlson, Pittsford (deceased) inventor xerography; \$32,200
- ✓ Ellsworth T. Carrington, N.Y. account exec., Janney Montgomery Scott; \$106,006
- > Blair Clark, N.Y., McCarthy campaign manager, Clark Thread heir, \$75,000
- Manfred Clynes, Palisades, NY, Dir. Biocybernetics Lab; \$30,000
- > Bernard Cornfeld, Switz. former chmn., Investors Overseas Service, \$30,000
- > ✓ Norman Cousins, NY Editor, Saturday Review, \$58,000
- R. Dakin, Pres., R. Dakin Co, \$26,167
- Mrs. June Degnan, SF., McCarthy Finance Committee chmn., \$60,000
- ✓ Robert Dowling, NY, Chmn, City Investing Co., \$102,754
- John Factor, Hollywood, Calif, "Jake the Barber" \$102,500
- James Faulkner, Brookline, Mass. (she's a dupont) \$25,500
- ✓ Martin Fife, NY, President, Fife Assoc. (leathergoods) \$72,000
- Robert Gimbel, NY Asst to Gen Manager, Saks, \$50,250
- Newton Glekel, NY Chairman, Hy Grade Food Corp; \$25,500
- Arnold M. Grand, NY Dir. Continental Airlines, attorney; \$25,500
- Raymond R. Guest, Dublin, Ireland, former Amb. \$36,000
- Harold K. Hochschild, NY chairman Exec Committee, Amer. Metal \$27,000
- John J. Hooker, Jr. Nashville, founder Minnie Pearl Fried Chicken, \$35,000
- Edgar Kaiser, Oakland, Chmn Kaiser, \$25,000
- Eavid L. Kreeger, DC, Chmn Exec Comm. Govt Employees Ins. Co, \$25,000
- Mrs. Doris Lanier, Bal Harbor, Fla. prin stockholder Wash Scientific \$50,000
- Mrs. Albert Lasker, NY \$69,400
- Larry Lawrence, San Diego, owner Coronado Hotel; Dem Party Chmn South Cal \$300
- Howard S. Levin NY former Pres Levin-Townsend Computer, \$30,000
- Frederic R. Mann, Phila., Pres Industrial Container Corp, \$35,500
- Allan Miller, Boca Raton, retired industrialist, \$108,000
- ✓ Martin Peretz, Cambridge, Harvard prof; Mrs = Singer - Sweating heiress; \$114,400
- > Meshulam Riklin, NY, Chmn Rapid American Corp, \$25,000
- Samuel Rothberg, Peoria, Ill, Gen Magr. American Distilling, \$25,000
- ✓ Samuel Rubin, NY retired Exec Faberge, \$76,000
- Grant Sawyer, Las Vegas, attorney, former Gov Nevada; \$25,000
- Mrs. Elmer H. Settel, NY real estate, \$25,100
- Roger L. Stevens, DC Chmn JKK Center for Performing Arts; \$30,000
- Martin Stone, LA, Chmn Monogram Industries, \$40,000
- ✓ Lew R. Wasserman, Beverly Hills, Pres., MCA, \$54,096
- ✓ Harold Willens, LA, Co Chmn Move for Peace, \$35,000

## EXHIBIT No. 65

## MEMORANDUM

THE WHITE HOUSE  
WASHINGTONEYES ONLY

June 25, 1971


## MEMORANDUM FOR:

MARGE ACKER  
PAT BUCHANAN  
✓ JOHN DEAN  
DAN KINGSLEY  
VAN SHUMWAY  
JERRY WARREN  
LUCY WINCHESTER

## SUBJECT:

OPPONENTS LIST ADDITIONS

Please add the attached list of Muskie contributors to your  
opponents list which George Bell sent to you yesterday.

  
Joanne L. Gordon

John -

This is your list, but I  
alphabetized it.

J.

## MUSKIE'S CONTRIBUTORS

Leo Allen  
M.S. Walker, Inc.  
35 Wareham Street  
Boston, Massachusetts 02118 1,000.00

John B. Barrett, Jr.  
52 Emmonsdale Road  
West Roxbury, Massachusetts 02132 100.00

Joseph W. Bartlett  
225 Franklin Street  
Boston, Massachusetts 02110 100.00

Paul L. Beane  
89 Commerical Wharf  
Boston, Massachusetts 02110 100.00

Myer P. Beck  
729 Seventh Avenue  
New York, New York 10019 100.00

✓ Robert S. Benjamin  
United Artists Corporation  
729 Seventh Avenue  
New York, New York 10019 \$1,000.00

William Benton  
342 Madison Avenue  
Suite 702  
New York, New York \$ 500.00

Bert I. Bernhard  
5405 Blackistone Road  
Bethesda, Maryland 2,000.00

Edward J. Bernstein  
14 Fenimore Road  
New Rochelle, New York 10804 250.00

Stanley Blacker  
The Stanley Blacker Corp.  
1290 Avenue of the Americas  
New York, New York 1,000.00

Lawrence E. Blanchard  
4101 Sulgrave Road  
Richmond, Virginia 23221 75.00

## MUSKIE CONTRIBUTIONS

Clifton C. Carter  
1120 Connecticut Avenue, N.W.  
Suite 1242  
Washington, D.C. 20036 500.00

Mr. & Mrs. David Challinor, Jr.  
3117 Hawthorne Street, N.W.  
Washington, D.C. 20008 2,500.00

Preston Charles  
Box 1219  
Suffolk, Virginia 23434 5.00

William H. Chisholm  
100 Park Avenue  
New York, New York 10017 100.00

Cyril Clemens  
Mark Twain Journal  
Kirkwood, Missouri 63122 3.00

Arthur G. Cohen  
60 East 56th Street  
New York, New York 10022 500.00

Maurice M. Cohen  
21 Woodcliffe Road  
Brookline, Massachusetts 2,500.00

Mrs. Rita R. Cohen  
2737 Clayton Street  
Philadelphia, Pennsylvania 19152 25.00

C. E. Colvin 25.00

Julie Combs  
137 Lexington Avenue  
Mansfield, Ohio 44907 \$ 5.00

Paul C. Conradsen  
277 Park Avenue  
New York, New York 10017 100.00

Nora Conway  
1015 Beacon Street  
Brookline, Massachusetts \$ 10.00

Thomas G. Concoran  
1511 K Street, N.W.  
Washington, D.C. 20005 1,000.00

Seymour M. Bohrer  
345 Park Avenue  
New York, New York

1,000.00

C. R. Borders  
1539 Bayshore Drive  
Cocoa Beach, Florida 32921

150.00

Tim Bornstein  
Dept. of Management  
School of Business Administration  
University of Massachusetts  
Amherst, Massachusetts 01002

100.00

Richard P. Brandt  
5 Rittenhouse Road  
Bronxville, New York

250.00

Leo Brody  
100 East 42nd Street  
New York, New York 10017

25.00

George M. Bunker  
277 Park Avenue  
New York, New York 10017

100.00 ✓

8727 West Third Street  
Los Angeles, California 90048 1,000.00

Mrs. T. A. Cowen  
Beaver Valley Road  
RR 1, Box 162 E  
Belvidere, Illinois 61008 25.00

John H. Crooker, Jr.  
Bank of the Southwest Building  
Houston, Texas 77002 250.00

Ross D. Davis  
3421 N. Street, N.W.  
Washington, D.C. 20007 500.00

William A. Delano  
Trustee  
Avery Associates  
800 West Tampa Street  
Springfield, Missouri 3,300.00

C. Douglas Dillon  
Islesboro, Maine 04848 1,000.00

Irene L. Diamond  
101 Alpine Lane  
Hoffman Estates, Illinois 60172 10.00

Mrs. Sarah Diamondstein  
141 Lincoln Avenue  
Hastings-on-Hudson, New York 10706 5.00

Tony J. Dosse  
544 Alpine  
Sonora, California 95370 1.00

Tony J. Dossi  
P.O. Box 691  
Sonoma, California 5.00

Anna Dowling  
4 East Place  
St. Louis, Missouri 63147 5.00

William Louis Dreyfus  
26 Broadway  
New York, New York 1,000.00

Joseph C. Dukehart  
5A Joyce Kilmer Avenue  
New Brunswick, New Jersey 08903 100.00

H. Stewart Dunn, Jr.  
1700 Pennsylvania Avenue N.W.  
Washington, D.C. 20006 100.00



3 Franklin Place Cambridge, Massachusetts 02139	40.00
Harold J. Gibson Farmington, Michigan	75.00
Fred Goldberg United Artists Corp. 792 Seventh Avenue New York, New York 10019	\$ 100.00
Alan Goldstein Plymouth Shoe Company Middleboro, Massachusetts	1,000.00
Stanley Goldstein 65 Harwich Road Providence, Rhode Island	5,000.00
Mrs. Barbara Grants 294 Riverside Drive 5D New York, New York 10025	20.00
Anna Grapczynski & grandchildren (Pat & Kathy O'Keefe) 3027 South 12th Street Milwaukee, Wisconsin 53215	100.00
James Graugnard St. James, Louisiana 70036	500.00
Sanford D. Greenberg 2510 Virginia Avenue N.W. Washington, D.C. 20037	5,000.00
Frances W. Gregory Westhampton College University of Richmond Richmond, Virginia 23173	\$ 50.00
Earle Groper 222 Baldpate Hill Road Newton Centre, Massachusetts	3,000.00
Everett P. Grossman 200 Union Street Braintree, Massachusetts 02184	\$ 200.00
Nissie Grossman 95 Baldpate Hill Road Newton Centre, Massachusetts	200.00

12 Elwood Avenue Mt. Vernon, New York 10552	Arthur Z. Eisen	1.00
Charles W. Engelhard 113 Astor Street Newark, New Jersey 07114		1,000.00
Casimir Falencykowski 6616 Lake Shore Drive Minneapolis, Minnesota		\$ 10.00
William Feigin 219 West 81st Street New York, New York 10024		10.00
Hyman L. Feiner 2001 Haverford Road Ardmore, Pennsylvania 19003		25.00
Sumner L. Feldberg Zayre Corporation Framingham, Massachusetts 01701		1,000.00
W. H. Ferguson Jr. P.O. Box 6160 Newport News, Virginia 23606		500.00
Mrs. Marshall Field 136 East 79th Street New York, New York		1,000.00
John W. Findlay Route 1 Box 42-A Afion, Virginia 22920		100.00
Martin Fine 8955 S.W. 87th Court Miami, Florida 33156		250.00
David Flexer Inflight Motion Pictures, Inc. 485 Madison Avenue New York, New York		1,000.00
Henry L. Foster P.O. Box 430 Wilmington, Massachusetts 01887		\$1,000.00
Aaron Frosch 120 East 56th Street New York, New York 10022		100.00

C. R. Hailey  
P.O. Box 2187  
Richmond, Virginia

\$ 75.00

Majeed E. Halaby  
1120 Fifth Avenue  
New York, New York

350.00

Sigmund Harrison  
118 Ardmore Avenue  
Ardmore, Pennsylvania 19003

25.00

Nancy A. Haycock  
304 South Jackson Street  
Arlington, Virginia 22204

100.00

Malcolm Hecht, Jr.  
580 Pleasant Street  
Watertown, Massachusetts

1000.00

Elsie E. Hakenskog  
2077 Fairfax  
Denver, Colorado

10.00

Andrew P. Hill  
14 Worthley Street  
Red Bank, New Jersey 07701

25.00

Florence Hipple  
3310 Lansing Street  
Philadelphia, Pennsylvania 19136

25.00

John O. Hobbs  
5A Joyce Kilmer Avenue  
New Brunswick, New Jersey 08903

200.00

Richard H. Holl,  
c/o Box 698  
Logan, Ohio 43138

100.00

James S. Hostetler  
3011 Albemarle Street, N.W.  
Washington, D.C. 20008

100.00

John L. Humphreys  
Director, Corporate Public Affairs  
TRW, Inc.  
1875 Connecticut Avenue N.W.  
Washington, D.C. 20009

1,000.00

Curtis M. Hutchins  
55 Broadway  
Bangor, Maine

1,000.00

**MUSKIE CONTRIBUTIONS**

Donald G. Isaacs 21100 West 7 Mile Road Detroit, Michigan	3.00
International Ladies' Garment Workers Union 1970 Campaign Committee 1710 Broadway New York, New York 10019	2,000.00
Invest In Peace Barbara Avedon, Co-Chairman 407 North Maple Drive Beverly Hills, California 90210	500.00
Louise Judd 5504 Hollywood Boulevard Hollywood, California 90029	3.00
Mrs. Louis Judd 5227 Sunset Boulevard Los Angeles, California 90027	
Harry Kahn 120 Broadway New York, New York	600.00
David Kane 70 Randolph Road Brookline, Massachusetts 02146	200.00
Frank E. Karelsen 230 Park Avenue New York, New York 10017	250.00
E. Chester Keachie 34 Crystal Way Berkeley, California 94708	3.00
Richard R. Kennedy 522 21st Street N.W. Washington, D.C. 20006	10.00
Robert Kleinerman 1350 15th Street Fort Lee, New Jersey 07024	25.00
Dr. John H. Knowles 28 Fernwood Road Chestnut Hill, Massachusetts 02167	250.00
✓ Arthur B. Krim United Artists Corporation 728 Seventh Avenue New York, New York 10019	1,000.00
Dr. Lawrence R. Krivit Orchard Street & 17th Monroe, New York 10350	50.00

9603 Page Avenue  
Bethesda, Maryland 20014

Wm S Lacey

50.00

Victor Lange  
Washington Square South  
Apt. 2710  
Philadelphia, Pennsylvania 19106

1,000.00

Mrs. Mary Lasker  
870 United Nations Plaza  
New York, New York 10017

1,000.00

Mr. & Mrs. William M. Leeds  
11138 Aqua Vista No.A-17  
North Hollywood, California 91602

5.00

Jacques Leslie  
124 Lasky Drive  
Beverly Hills, California 90212

100.00

Dr. & Mrs. Alfred Levitas  
24 Mircer Street  
Albany, New York 12203

10.00

Mathew L. Lifflander  
110 East 59th Street  
New York, New York 10022

136.00

Sol M. Linowitz  
One Farragut Square South  
10th Floor  
Washington, D.C. 20006

500.00

Ralph M. Lovell  
28 Winter Street  
Sanford, Maine 04073

25.00

Philip W. Lown  
4640 Prudential Center  
Boston, Massachusetts 02199

250.00

J. M. Lowry  
308 Sweetbrier Drive  
Richmond, Virginia

75.00

Mr. & Mrs. Harris M. Lynam  
Lincolnvillle Avenue  
Belfast, Maine 04915

10.00

100 Executive Building Washington, D.C. 20005	Chas. F. McGowan	500.00
Mark McGrath 918 West Kensington Drive Peoria, Illinois 61614		4.00
Mary E. McLaughlin 2035 Park Road, N.W. Washington, D.C. 20010		10.00
Thomas Maher 7112 Lisbon Avenue Detroit, Michigan 48209		1.00
Thomas L. Maynard Weld, Maine 04285		5.00
Edward W. Medbery 277 Park Avenue New York, New York 10017		\$ 100.00
Mr. & Mrs. Marvin C. Meyer Department of Zoology University of Maine Orono, Maine 04473		10.00
Dr. Jess P. Miller 3116 Victoria Boulevard Hampton, Virginia 23361		50.00
J. E. Mueller Trustee Special Political Agricultural Community Education 508 Portland Building Louisville, Kentucky 40202		3,332.00
Neil R. Norman 2276 Tandy Flint, Michigan		7.50
David Arthur Oestreich 655 Madison Avenue New York, New York 10021		500.00

The L. R. R. Corporation 40 Worth Street New York, New York 10013	200.00
Mrs. Dorothy Terry Payson Sheraton - Eastland Motor Hotel Portland, Maine 04101	100.00
Philip Pear, Esq. 1401 K Street, N.W. Suite 421 Washington, D.C. 20005	100.00
Francis J. Pettis, Jr. 31 Vesper Street Portland, Maine 04101	\$ 5.00
Mrs. Margaret E. Philbrick P.O. Box 83 Vashon, Washington 98070	10.00
Arnold Picker United Artists 729 Seventh Avenue New York, New York	4,000.00
David V. Picker United Artists 729 Seventh Avenue New York, New York 10019	250.00
Mrs. Ruth N. Picker United Artists 729 Seventh Avenue New York, New York	4,000.00
S. M. Pinsly 330 Beacon Street Boston, Massachusetts	2,000.00
Miss Virginia A. Pitts 10638 Weymouth Street Bethesda, Maryland 20014	100.00
Mrs. Josephine W. Pomerance 83 Orchard Street Cos Cob, Connecticut	\$ 250.00
Paul A. Porter 1229 19th Street, N.W. Washington, D.C. 20036	500.00
Alan R. Posner Chez Bailly 63 Rue Franklin Brussels 1040 Belgium	10.00

1746

Carl H. Purrington  
239 Park Square Building  
Boston, Massachusetts 02116

200.00

Mr. & Mrs. Manning J. Post  
450 Trousdale Place  
Beverly Hills, California 90210

500.00



815 Connecticut Avenue, N.W. Suite 202 Washington, D.C. 20006	100.00
Ell Raphael 10 Hammond Road Parkway Chestnut Hill, Massachusetts 02167	500.00
Raymond J. Rosenberger 7417 Haddington Place Bethesda, Maryland 20034	1000.00
Edward S. Redstone 147 Chestnut Hill Road Chestnut Hill, Massachusetts	1,500.00
Michael Redstone 10275 Collins Avenue Bal Harbour, Florida	5,000.00
Summer M. Redstone 31 St. James Avenue Boston, Massachusetts 02116	5,000.00
Charles Richardson 20 Blueberry Hill Road Weston, Massachusetts	100.00
Saul Rieger 305 East 86th Street New York, New York 10016	10.00
Julian Rifkin 68 Nichols Road Cohasset, Massachusetts	1,000.00
Ronald Stuart Rolfe 380 Riverside Drive New York, New York 10025	25.00
Franklin D. Roosevelt, Jr.	250.00
Roland S. Rose 11175 Saffold Way Reston, Virginia 22070	100.00
Raymond J. Rosenberger 888 17th Street, N.W. Washington, D.C. 20036	1,000.00
N. Joseph Ross Gateway East Building Suite 500 Century City Los Angeles, California 90067	1,000.00

Leatherhurst, New York 11515

*Bernard Rostan*  
385 Arbuckle Ave 50.00

Stuart H. Russell  
2309 First National Bank  
Oklahoma City, Oklahoma 73102

3,400.00

Thomas H. Ryan  
815 South West 5th  
Portland, Oregon 97204

2.50

Leonard B. Sand, Esq.  
230 Park Avenue  
New York, New York

100.00

Richard K. Scales  
Detroit, Michigan

75.00

Arthur Schactman  
1330 Beacon Street  
Boston, Massachusetts 02146

\$1,000.00

Roger Schafer  
342 Madison Avenue Room 936  
New York, New York 10017

10.00

Marshall L. Scheffenger  
1600 South Joyce Street  
Arlington, Virginia 22203

\$ 10.00

Charles B. Schlaifer  
4 West 58th Street  
New York, New York

500.00

Carrie E. Schulte  
Pierre Hotel  
Fifth Avenue and 60th Street  
New York, New York

200.00

Mrs. Helen B. Schwartz  
2900 Devon Road  
Muncie, Indiana

50.00

Charles Scribner, Jr.  
791 Park Avenue  
New York, New York 10021

100.00

Shoe Manufacturers Good  
Government Committee  
1625 Eye Street N.W.  
Washington, D.C. 20006

1,000.00

601 North Sierra Drive Beverly Hills, California 90210	2,000.00
Phil Shanedling 9171 Wilshire Boulevard Beverly Hills, California 90210	2,000.00
Daniel S. Shapiro 345 Park Avenue New York, New York 10022	250.00
George W. Siegel 4921 30th Place, N.W. Washington, D.C. 20008	25.00
Alan Sieroty 849 South Broadway Los Angeles, California 90014	50.00
Lawrence B. Simons LBS Construction Company, Inc. 350 St. Marks Place Staten Island, New York 10301	25.00
Robert G. Smith 8308 Tollhouse Road Annandale, Virginia 22003	30.00
Herman Snyder 73 Fremont Street Boston, Massachusetts	150.00
Maurice Spanbock 10 East 40th Street New York, New York 10016	1,000.00
Mrs. Rose A. Sperry 9198 Cordell Drive Los Angeles, California 90069	500.00
Jerry I. Speyer 666 Fifth Avenue New York, New York 10019	300.00
Dr. & Mrs. Michael B. Sporn 6630 Marywood Road Bethesda, Maryland 20034	25.00
Ray Stark Rastor Productions 1438 North Gower Street Hollywood, California	1,000.00
Clark Sutherland 3152 Silver Lake Boulevard Silver Lake Village Cuyahoga Falls, Ohio 44224	100.00

225 Franklin Street  
Boston, Massachusetts 02110

*Lawrence S. Sutfenbarg*

1,000.00

L. J. Sverdrup  
Sverdrup & Parcel and Associates, Inc.  
800 North 12th Boulevard  
St. Louis, Missouri 63101

1,000.00

Mrs. Mary F. Sweeney  
1701 North Kent #1106  
Arlington, Virginia

50.00

Jeffrey H. Tamkin  
642 Warner Avenue  
Los Angeles, California 90024

2,500.00

Joan Tamkin  
642 Warner Avenue  
Los Angeles, California 90024

2,500.00

Dr. & Mrs. Warren D. Thomas  
163 City Road  
Turners Falls, Massachusetts 01376

100.00

✓ David Tillinghast  
300 East 74th Street  
New York, New York 10021

1,500.00  
\$10,296.00

✓ Alan V. Tishman  
665 Fifth Avenue  
New York, New York 10019

1,000.00

John Compton Tolley  
1960 Sunset Plaza Drive  
Los Angeles, California 90069

5.00

Mrs. Mary Uzar  
305 Perry Street  
Buffalo, New York

10.00

Alexander M. Vagliano  
23 Wall Street  
New York, New York  
Voluntary Live Fund  
1655 West Market Street  
Akron, Ohio 44313

1,000.00

100.00

Washington, D.C. 20006	✓ Paul C. Wanneke 815 Conn Ave NW	500.00
Edwin L. Weisl 1 Battery Park Plaza New York, New York 10004		1,000.00
Donald B. Wendling 48th Floor 277 Park Avenue New York, New York 10017		100.00
James H. Whitfield 3120 Marion Drive Royal Oak, Michigan		50.00
Louis Winer 73 Fremont Street Boston, Massachusetts		500.00
Bronislaw S. Wojtun 700 Forbes Avenue Pittsburgh, Pennsylvania 15219		10.00
Peter M. Wolf 325 West End Street New York, New York 10023		25.00
Goldie Yarchin 70 Park Street Brookline, Massachusetts		500.00
William S. Youngman East Hebron, New Hampshire 03232		1,000.00
Dr. Richard W. You 1270 Queen Emma Street Suite 106 Honolulu, Hawaii 96813		50.00
J. P. Zebrowski 156 Coggeshall Avenue Newport, Rhode Island 02840		50.00
Alvin Zises 121 Cotton Street Newton, Massachusetts 02158		1,000.00

✓ Clark Clifford  
✓ Owen Hannon

## DEMOCRATIC NATIONAL DINNER COMMITTEE

Mrs. Jack Carnes 3,000  
 132 California Street, N.  
 Camden, Arkansas  
 (Democrat National Committeewoman)

Leonard Davis 5,000  
 555 Madison Avenue  
 New York, New York

Edward J. De Bartols 5,000  
 7620 Market Street  
 Youngstown, Ohio

S. Harrison Dogole 5,000  
 2011 Walnut Street  
 Philadelphia, Pennsylvania

Thomas F. Fleming, Jr. 4,000  
 750 S.E. Lake Drive  
 Boca Raton, Florida

E. H. Green 5,000  
 Woodruff Building  
 Springfield, Missouri

Milledge A. Hart, III 5,000  
 4675 Edmondson  
 Dallas, Texas

William G. Helis, Jr. 5,000  
 912 Whitney Building  
 New Orleans, Louisiana

Lee C. Howley 3,500  
 5430 Portage Drive  
 Vermillion, Ohio  
 (Vice President - Cleveland Electric Illuminating Co.)

David L. Kreeger 5,000  
 2401 Foxhall Road, N.W.  
 Washington, D.C.  
 (Vice Chairman - Government Employees Insurance Co.)

Scott P. Linder 5,000  
 2201 Hawthorne Trail  
 Lakeland, Florida

## DEMOCRATIC NATIONAL DINNER COMMITTEE CONT:

Charles W. Lockyer 1250 Connecticut Avenue, N.W. Washington, D.C. (President, Publishers, INC.)	5,000
Charles Emmett Lucey 3500 Raymond Street Chevy Chase, Maryland (He is a Washington attorney)	5,000
T.C.E. Murphy, Jr. 200 Jefferson Avenue El Dorado, Arkansas	5,000
✓ Arnold M. Picker New York (United Artist Corporation)	5,000
Corbin J. Robertson 500 Jefferson Building Houston, Texas	5,000
John D. Rockefeller, IV 1515 Barberrry Lane Charleston, West Virginia (He is Secretary of State of West Virginia)	5,000
Dr. Pedro L. Rodriguez 953 Southern Building Bronx, New York	5,000
James J. Schiller One Erieview Plaza Cleveland, Ohio	3,000
John B. Tache 1744 R Street, N.W. Washington, D.C.	4,000
William J. Taylor 1725 K Street, N.W. Washington, D.C. (Former Chairman REA Express)	3,000
Adolph J. Toigo 380 Madison Avenue New York, New York (Chairman - Lennen & Newell, Inc. advertising)	5,000
Edward Bennett Williams 1000 Hill Building Washington, D.C.	5,000


EXHIBIT NO. 66  
THE WHITE HOUSE  
WASHINGTON

June 27, 1973

Dear Senator Inouye:

We have noted your public expression of your willingness to use questions and a memorandum, previously furnished to the Committee staff, in questioning Mr. Dean. We have today forwarded more up-to-date questions to both the Majority Counsel and Minority Counsel for the Committee. However, in view of your interest in this material, we thought it would be appropriate to send these questions directly to you. There is also enclosed herewith a slightly revised draft and updated version of the memorandum previously furnished to the Committee staff.

Sincerely,

  
J. FRED BUZHARDT  
Special Counsel to the President

Honorable Daniel K. Inouye  
Select Committee on Presidential  
Campaign Activities  
United States Senate  
Washington, D. C. 20510

Enclosures



## EXHIBIT NO. 67

// It is a matter of record that John Dean knew of and participated in the planning that went into the breakin at Watergate, though the extent of his knowledge of that specific operation or of his approval of the plan ultimately adopted have not yet been established. " There is no reason to doubt, however, that John Dean was the principal actor in the Watergate coverup, and that while other motivations may have played a part, he had a great interest in covering up for himself. //

// Dean came to the White House from Justice from a background of working on problems of demonstrations and intelligence. Among those working under him at the White House were Tom Houston and Caulfield. Dean was involved in discussions in 1971 about the Sandwedge plan Caulfield proposed. / (Second Haldeman Interview 2) [ Ehrlichman was told that the original authors of the \$1,000,000 plan were Dean and Liddy (Ehrlichman Deposition 116). ] Whatever the fact about this, it is clear that Dean attended the meetings that led up to adoption of the Watergate plan. Dean introduced Mitchell (who had sponsored Dean for his White House position) to Liddy in November, 1971 (Id., 120).

Dean, Liddy, and Magruder met to discuss intelligence plans of this kind on January 27, 1973, and, together with Mitchell, on some later date. Dean was not present at the final meeting on March 30 when the \$250,000 plan was approved. It is not clear whether he was not there because he disapproved or simply because he was not in Key Biscayne or because he wanted to try to keep his own record clean. He is reported as having said that he "didn't think it was appropriate for him to be in on these conversations" (Id., 121.) He is also reported to have said, at a meeting in Mitchell's office, that "We shouldn't discuss this in front of Mitchell or in the Attorney General's office." (Ehrlichman Interview 20). At some point during the spring Magruder phoned Dean and asked him to talk to Liddy to try and clam him down (Ehrlichman Deposition 112). Also on March 26, 1973, ~~xxxxxWhatever the facts xxxxxx about this~~ Dean told Haldeman that in the spring of 1972 he had told Haldeman that he had been to two meetings at which unacceptable and outlandish ideas for intelligence

gathering had been rejected by himself and by Mitchell and that he, Dean, proposed not to attend any more such meetings. (Second Haldeman Interview 1, 12 ). (Haldeman may be off on this date -- compare Haldeman's Deposition 183). Haldeman has no personal recollection of Dean telling him about the meetings at the time but is "willing to accept that as a possibility" (Id., at 184; First Haldeman Interview 8).

#### POST JUNE 17

Whatever the facts may be on the matters that are uncertain in the spring of 1972 about Dean's knowledge or approval of the breakin, it must have been clear to Dean, as a lawyer, when he heard on June 17th of Watergate, that he was in personal difficulty. The Watergate affair was so clearly the outgrowth of the discussions and plans he had been in on that he might well be regarded as a conspirator with regard to them. He must immediately have had reason to realize that his patron, Mitchell, would also be involved.

There is some indication that Ehrlichman called Dean on June 17th to advise him of the problem and to direct him to take charge of *Dean in Phillipines en route June 14-18.*

(Ehrlichman Interview 15.)  
it for the White House. Even without an instruction, this would have been his responsibility, as Counsel for the President, from the time of the occurrence and he was active in that role from the moment of his return to the city a day or two after the breakin (Ehrlichman Deposition 228).

On June 19th Dean met with Liddy and learned, among other things, of the Ellsberg breakin. (Magruder Testimony, xxxxx)

(That Dean met with Liddy and others is confirmed in Magruder Testimony .) There was also a meeting that day by Dean with Mitchell, Strachan, Mardian, and Magruder to discuss a coverup. (Id., ). A series of meetings, also including LaRue, followed throughout the summer (Id., ). Mitche

Dean was not merely one of the architects of the coverup plan.

He was also perhaps its most active participant. [ It was Dean who

suggested to Haldeman that the FBI was concerned that it might

run into a CIA operation (Second Haldeman Interview 6). ] It was

Dean, purportedly acting on behalf of Mitchell, who came to

Ehrlichman several weeks after the the breakin to obtain approval

for fundraising by Kalmbach for the arrested persons (Ehrlichman

Interview 7). ] It was Dean who reviewed the papers found in Hunt's

safe and declared that they were "politically sensitive" and should be

given special treatment (Id., 6). ] It was Dean and Mitchell who

prepared Magruder for his perjurious grand jury testimony (Rx

(Id., 19; Magruder Testimony ). ] On August 29th when Colson

prepared a memorandum stating the facts as he knew them, and

suggested it be sent to Silbert, it was Dean who said: "For God's

sake destroy the memo, it impeaches Magruder" (Ehrlichman

Interview 2). ~~RENNERKX perfectly situated~~ ] It was Dean who was the

agent in some of the money dealings with the arrested persons (Second

Haldeman Interview 6) } [ It was Dean who gave Caulfield instructions

on how he was to handle McCord (Caulfield Testimony ) ].

Throughout all of this Dean was perfectly situated to mastermind

and to carry out a coverup since, as Counsel to the President and

the man in charge for the White House, he had full access to what

was happening in the investigation by the FBI. He sat in on FBI

interviews with White House witnesses and received investigative

reports. Dean and Ehrlichman met with Attorney General Kleindienst

late in July. [ The Attorney General described the investigation and

said that "it did not appear that any White House' people or any

high-ranking Committee people were involved in the preparation or

planning or execution of the break-in" (Ehrlichman Deposition 173).

History fails to record that at that moment Dean corrected the

Attorney General's erroneous impression by pointing out that, however innocently, Mitchell, Magruder, and Dean had all been involved in planning of operations of which Watergate was an obvious derivative, or that Strachan had knowledge of the fruits of this kind of operation, or that all of them were suborning perjury and otherwise seeking to conceal the facts.

Dean's activity in the coverup also made him, perhaps unwittingly, the principal author of the political and constitutional crisis that Watergate now epitomizes. It would have been embarrassing to the President if the true facts had become known shortly after June 17th, but it is the kind of embarrassment that an immensely powerful and popular President could easily have weathered. The political problem has been magnified 1000-fold because the truth is coming to light so belatedly, because of insinuations that the White House was a party to the coverup, and, above all, because the White House was led to say things about Watergate that have since been found to have been untrue.

[These added consequences were John Dean's doing.]

Dean was responsible within the White House for becoming apprised of what had happened. From June 17th on, Dean had periodic conversations with Ehrlichman "about virtually every aspect of this case" (Ehrlichman Dep't Deposition 142). Dean reported also to Haldeman (First Haldeman Interview 7; Second Haldeman Interview 3) and to Zeigler, to him he gave repeated assurances that he had made an "intensive ~~investig~~ investigation" and had found no ~~what~~ White House involvement (Zeigler Interview 2). Dean was "the foundation of the proposition that the White House was not involved" (Ehrlichman Interview 15).

With the election passed and public interest in Watergate on the wane, Dean may have thought that this coverup had been a success, although he purported to continue an ongoing investigation. In February, however, with the Ervin Committee beginning its work, the President was concerned that all of the available facts be made known.



In the middle of February, 1973, Dean and Richard Moore met with Ehrlichman and Haldeman at San Clemente. Dean was assigned to reduce "to written form all of the detailed facts as they related both to the Committee to Re-Elect and the White House" (Ehrlichman Deposition 152; see also Moore Interview 6). Dean was pressed continually for that statement, particularly by Haldeman, but never produced it (Id., 154).

At this point the Gray confirmation hearings were imminent and the Ervin hearings were on the horizons. [ The President, who had barely known Dean, determined that Counsel to the President was the appropriate person with whom to work in formulating the President's ~~private~~ position on executive privilege and similar legal issues that these hearings -- and news conferences on March 2d and 15th at which they would ~~xxx~~ arise -- would present. ] Between February 27th and <sup>March 16<sup>th</sup></sup> ~~March 22nd~~ the President met with Dean (and usually others) 21 times and there were 14 telephone conversations between March 10th

and April 22nd. [ Because of executive privilege it is not possible even to speculate on the extent to which Dean helped induce the views

on attorney-client privilege and on separation of powers that would have immunized Dean himself from ~~xxx~~ having to testify under oath.

During this period Dean was developing other ~~perxxk~~ problems. ] On

March 10th there were press reports that it was Dean who had

recommended Liddy to CREP. On March 22nd Pat Gray testified

that Dean had lied to him during the course of the FBI investigation of

Watergate. On March 23rd McCord's letter to ~~Sirix~~ Judge Sirica

was made public. The coverup was beginning to come uncovered.

During this period the point was frequently raised by various people, including primarily the President, that the whole story of

Watergate should be made public. [ "Dean's answer always was we can't

do it while the investigation is continuing, there are conflicting

versions of events and the rights of defendants might be prejudiced

by a statement" (Second Haldeman Interview 4). ]

SAM J. BYRN, JR., N.C., CHAIRMAN  
HOWARD N. BAKER, JR., TENN., VICE CHAIRMAN  
HERMAN E. TALMADGE, GA. EDWARD J. GURNEY, FLA.  
DANIEL K. INOUE, HAWAII LOWELL P. WEICKER, JR., CONN.  
JOSEPH M. MONTOYA, N. MEX.

SAMUEL DASH  
CHIEF COUNSEL AND STAFF DIRECTOR

FRED D. THOMPSON  
MINORITY COUNSEL  
RUFUS L. EDMISTEN  
DEPUTY COUNSEL

## United States Senate

SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES  
(PURSUANT TO S. RES. 69, 90 CONGRESS)

WASHINGTON, D.C. 20510

June 18, 1973

From: Samuel Dash, Chief Counsel  
To: Members of the Select Committee on  
Presidential Campaign Activities

The attached papers were submitted to the  
Committee by Counsel for the President to be used  
by the Committee in connection with Mr. Dean's  
testimony.

On March 20th the President indicated that he still did not have all the facts (Id., 9). In the week preceding that Dean had begun to express to Richard Moore concern about Dean's own involvement, referring to the meetings in Mitchell's office, the plumbers' operation and the Ellsberg breakin, and the ~~demand~~ <sup>demand</sup> by Hunt, possibly on March 16th, for more money (Moore Interview

16). [ After the two of them met with the President on March 20th Moore told Dean: "I ~~don't~~ don't think the President has any idea of the kinds of things that you've told me about." When Dean agreed that the President did not, Moore told Dean that it was his obligation to advise the President and lectured Dean on this subject (Id., 17). ]

On March 21st Dean gave the President a more complete, but still laundered, version of the facts, and so ~~xxxx~~ surprised the President that, according to press accounts of what Dean is saying: "The President came out of his chair." At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell. He

mentioned the Ellsberg breakin and possibly a second story job  
(Haldeman Interview 9)

at the Brookings Institution. <sup>^</sup> He told about the ~~latest~~ attempt by  
Hunt to blackmail Ehrlichman over the Ellsberg breakin. He  
suggested that Haldeman, Ehrlichman, and Dean might all have  
some problem about the financial transactions with the defendants  
but that he thought they were more technical and political than legal.

Ehrlichman suggested that everyone be made to appear before  
the grand jury and waive executive privilege. Dean thought this  
would be a good idea but only if the persons who appeared before  
the grand jury were given immunity. At another meeting that  
day Ehrlichman strongly opposed immunity (Second Haldeman  
Interview 9-10) On March 23rd Dean was sent to Camp David in  
order to complete the long promised report. Dean was at  
Camp David for six days but came down on the night of the 28th  
and "delivered nothing" (Ehrlichman Deposition 1540).

The failure of ~~Dean's~~ Dean's Muse while he was on the mountain is understandable, since by this time it would have been impossible to write a believable report that would not have been self-indicting. While he was at Camp David Dean told Ehrlichman's assistant that he was "not getting the statement done but was planning his own defense" (Ehrlichman Interview 23). Haldeman talked with him several times and felt that "Dean was not having much progress in writing his report but it became clear that he was worrying more about himself" (Second Haldeman Interview 12). On the 25th the President suggested it be announced that Dean would appear before the grand jury. On the 26th Dean agreed but said that he would do so only if given immunity" (Ibid.)

On March 30th the President relieved Dean of any further responsibility for the Watergate investigation. He called Ehrlichman in, told him that it was evident to the President that "Dean was in the thing up to his eyebrows," and assigned Ehrlichman to look into

Watergate (Ehrlichman Deposition 155). The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him "a growing awareness of Dean's personal involvement in this and that his sending him to Camp David apparently was a device to smoke him out \* \* \*" (Id., 155-156).

~~Dean~~ Relieved of his Watergate duties by the President and aware that his own complicity had become obvious, Dean decided to strike out on ~~his own~~ his own to hunt for immunity for the long list of wrongs he had committed. According to the press, it was April 2d when he first established contact with the prosecutors and attempted to bargain for immunity. While he carried on these negotiations, Ehrlichman completed his report and advised the President on April 14th that Mitchell, Magruder, and Dean were all involved (Second Haldeman Interview 15). ~~The following day Attorney General Hickel and Assistant Attorney General Peters~~

On the 16th Dean was asked by the President to resign but refused to do so.

On the 30th he was dismissed. His increasing shrill efforts since that date to save himself by striking out recklessly at others are too familiar and too painful to require mention.



It is a matter of record that John Dean knew of and participated in the planning that went into the breakin at Watergate, though the extent of his knowledge of that specific operation or of his approval of the plan ultimately adopted have not yet been established. There is no reason to doubt, however, that John Dean was the principal actor in the Watergate coverup, and that while other motivations may have played a part, he had a great interest in covering up for himself.

PRE-JUNE 17

Dean came to the White House from Justice from a background of working on problems of demonstrations and intelligence. Among those working under him at the White House were Tom Houston and John Caulfield. Dean was involved in discussions in 1971 about the Sandwedge plan Caulfield proposed (Caulfield Testimony 611-612; Magruder Testimony 1880). [ Ehrlichman was told that the original authors of the \$1,000,000 plan were Dean and Liddy ] Ehrlichman Deposition 116). Whatever the fact about this, it is clear that Dean attended the meetings that led up to adoption of the Watergate plan. Dean introduced Mitchell (who had sponsored Dean for his White House position) to Liddy on November 24, 1971 (Id., 120; Magruder Testimony 1941). [ Dean introduced Magruder to Liddy in December, 1971, and

suggested Liddy for the combined position of general counsel and chief of intelligence gathering for CRP (Magruder Testimony 1878, 1939-1941). He told Magruder that Mitchell had hired Liddy (Magruder Testimony 2034). ]

Dean, Liddy, Mitchell, and Magruder met to discuss intelligence plans of this kind on January 27, 1972, [and on February 4th (Magruder Testimony 1881, 1887). ] Dean was not present at the final meeting on March 30 when the \$250,000 plan was approved [Magruder Testimony 1899). ] [It is not clear whether he was not there because he disapproved or simply because he was not in Key Biscayne or because he wanted to try to keep his own record clean. ] He is reported as having said that he "didn't think it was appropriate for him to be in on these conversations" (Id., 121). He is also reported to have said, at a meeting in Mitchell's office, that "We shouldn't discuss this in front of Mitchell or in the Attorney General's office." (Ehrlichman Interview 20; [see also Magruder's Testimony 2078). ] At some point during the spring Magruder phoned Dean and asked him to talk to Liddy to try and calm him down (Ehrlichman Deposition 112). [At another point Dean, knowing that a bugging operation was under serious consideration, called Magruder and referred to the importance of Liddy's intelligence activities (Magruder Testimony 2078). This arose after an argument between

Magruder and Liddy; Dean urged Magruder not to let personal animosity "get in the way of the project" (Magruder Testimony 1897).<sup>7</sup> Also in March, 1973, Dean claimed to Haldeman that, in the spring of 1972, he had told Haldeman that he had been to two meetings at which unacceptable and outlandish ideas for intelligence gathering had been rejected by himself and by Mitchell and that he, Dean, proposed not to attend any more such meetings. (Second Haldeman Interview 1, 12; Haldeman Deposition 183). Haldeman has no personal recollection of Dean telling him about the meetings at the time but is "willing to accept that as a possibility" (Id., 184; First Haldeman Interview 8).

#### POST-JUNE 17

Whatever the facts may be on the matters that are uncertain in the spring of 1972 about Dean's knowledge of specific approval of the breakin, it must have been clear to Dean, as a lawyer, when he heard on June 17th of Watergate, that he was in personal difficulty. The Watergate affair was so clearly the outgrowth of the discussions and plans he had been in on that he might well be regarded as a conspirator with regard to them. He must immediately have realized that his patron, Mitchell, would also be involved.

~~There is some indication~~

It appears that Ehrlichman called Dean on June 17th to advise him of the problem and to direct him to take charge of it for the White House. Even without an instruction, this would have been his responsibility, as Counsel for the President, from the time of the occurrence and he was active in that role from the moment of his return to the city a day or two after the breakin (Ehrlichman Deposition 228).

On June 19th Dean met with Liddy, Mitchell, Strachan, Magruder, and Sloan. Dean, Mitchell and Magruder also met with LaRue and Mardian that evening in Mitchell's apartment. At these meetings the coverup plan was hatched (Magruder Testimony 1913, 1955-1956). A series of meetings followed throughout the summer (Id., 1918). [Dean and Mitchell were Magruder's principal contacts on the coverup (Id., 1919).]

[Dean was not merely one of the architects of the coverup plan. He was also ~~its~~ most active participant. [Magruder correctly concluded that Dean "was involved in all aspects of this coverup" (Magruder Testimony 2053).]

[-- It was Dean who suggested to Haldeman that the FBI was concerned that it might run into a CIA operation (Second Haldeman Interview 6).]

[-- It was Dean who suggested to General Walters on January 26th that CIA pay the Watergate defendants while in jail (Walters Memo for Record, 6-28-72).]

[-- It was Dean, purportedly acting on behalf of Mitchell, who came to Ehrlichman several weeks after the breakin to obtain approval for fundraising by Kalmbach for the arrested persons (Ehrlichman Interview 7).

[-- It was Dean who reviewed the papers found in Hunt's safe and declared that they were "politically sensitive" and should be given special treatment (Id., 6).

[-- It was Dean who sought unsuccessfully to have the others omit his name from the list of those who attended meetings on the Liddy plans (Magruder Testimony 1924, 2082).

[-- It was Dean who urged Hunt to flee the country two days after the burglary (Hall Affidavit <sup>13</sup>13).

[-- It was Dean and Mitchell who prepared Magruder for his perjurious grand jury testimony (Magruder Testimony 1922).

[-- It was Dean who said of a memorandum Colson had prepared on August 29th stating the facts as he knew them: "For God's sake destroy the memo, it impeaches Magruder" (Ehrlichman Interview 2).

[-- It was Dean who suggested that Sloan take the Fifth Amendment, though Sloan was innocent (Sloan Testimony 1356).

[-- It was Dean who was the agent in some of the money dealings with the arrested persons (Second Haldeman Interview 6).

[- It was Dean who told Colson not to make a transcript of Colson's taped conversation with Hunt and said that he, Dean, would handle the matter (Report from federal prosecutors, New York Times, 6-28-72). ]

Throughout all of this Dean was perfectly situated to mastermind and to carry out a coverup since, as Counsel to the President and the man in charge for the White House, he had full access to what was happening in the investigation. ~~He sat in on FBI interviews with White House witnesses and received investigative reports.~~ Dean and Ehrlichman met with Attorney General Kleindienst late in July. The Attorney General described the investigation and said that "it did not appear that any White House people or any high-ranking Committee people were involved in the preparation or planning or execution of the breakin" (Ehrlichman Deposition 173). [ History fails to record that at that moment Dean corrected the Attorney General's erroneous impression by pointing out that ~~Mitchell, Magruder, and Dean~~ had all been involved in planning of operations of which Watergate was an obvious derivative, or that Strachan had knowledge of the fruits of this kind of operation, or that all of them were suborning perjury and otherwise seeking to conceal the facts. ]

Dean's activity in the coverup also made him, perhaps unwittingly, the principal author of the political and constitutional crisis that Watergate now epitomizes. It would have been embarrassing to the President if the true facts had become known shortly after June 17th, but it is the kind of embarrassment that an immensely popular President could easily have weathered. The political problem has been magnified 1,000-fold because the truth is coming to light so belatedly, because of insinuations that the White House was a party to the coverup, and, above all, because the White House was led to say things about Watergate that have since been found to have been untrue. These added consequences were John Dean's doing.

Dean was responsible within the White House for becoming apprised of what had happened. From June 17th on Dean had periodic conversations with Ehrlichman "about virtually every aspect of this case" (Ehrlichman Deposition 142). Dean reported also to Haldeman (First Haldeman Interview 7; Second Haldeman Interview 3) and to Ziegler, to whom he gave repeated assurances that he had made an "intensive investigation" and had found no White House involvement (Ziegler Interview 2). Dean was "the foundation of the proposition that the White House was not involved" (Ehrlichman Interview 15).

SPRING 1973

With the election passed and public interest in Watergate on the wane, Dean may have thought that this coverup had been a success, although he purported to continue an ongoing investigation. [At the same time Dean was affecting a failing memory and talking to Magruder as if Dean did not recall the pre-Watergate planning meetings in which he had participated (Magruder Testimony 1929).] In February, however, with the Ervin Committee beginning its work, the President was again concerned that all of the available facts be made known. In the middle of February, 1973, Dean and Richard Moore met with Ehrlichman and Haldeman at San Clemente. Dean was assigned to reduce "to written form all of the detailed facts as they related both to the Committee to Re-Elect and the White House" (Ehrlichman Deposition 152; see also Moore Interview 6). Dean was pressed continually for that statement, particularly by Haldeman, but never produced it (Id., 154).

At this point the Gray confirmation hearings were imminent and the Ervin hearings were on the horizon. The President, who had barely known Dean, determined that Counsel to the President was the appropriate person with whom to work in formulating the President's position on executive privilege and similar legal issues that these hearings -- and news conferences on March 2nd and 15th at which



they would arise -- would present. Between February 27th and

April 16th the President met with Dean (and usually others) 21 or 22

times and there were 14 telephone conversations between March 10th

and April 22nd. ~~Because of executive privilege and on separation of powers this would have immunized Dean himself from having to testify under oath.~~ It is probable that Dean helped induce the views on attorney-client privilege and on separation of powers that would have immunized Dean himself from having to testify under oath. During

this period Dean was developing other problems. On March 10th there were press reports that it was Dean who had recommended Liddy to

CREP. On March 22nd Pat Gray testified that Dean had lied to him

during the course of the FBI investigation of Watergate. On March 23rd

McCord's letter to Judge Sirica was made public. The coverup <sup>was</sup> coming uncovered.

During this period the point was frequently raised by various

people, including primarily the President, that the whole story of

Watergate should be made public. "Dean's answer always was we can't do it while the investigation is continuing, there are conflicting versions of events and the rights of defendants might be prejudiced by a statement" (Second Haldeman Interview 4).

On March 20th the President indicated that he still did not have all the facts (Id., 9). In the preceding week Dean had begun to express to Richard Moore concern about Dean's own involvement,

referring to the meetings in Mitchell's office, the plumbers' operation and the Ellsberg breakin, and the demand by Hunt, possibly on March 16th, for more money (Moore Interview 16). After the two of them met with the President on March 20th Moore told Dean: "I don't think the President has any idea of the kinds of things that you've told me about." When Dean agreed that the President did not, Moore told Dean that it was his obligation to advise the President and lectured Dean on this subject (Id., 17). On March 21st Dean gave the President a more complete, but still laundered, version of the facts, and so surprised the President that, according to press accounts of what Dean is saying: "The President came out of his chair." At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell. He mentioned the Ellsberg breakin and possibly a second story job at the Brookings Institution. (Second Haldeman Interview). He told about the attempt by Hunt to blackmail Ehrlichman over the Ellsberg breakin. He suggested that Haldeman, Ehrlichman, and Dean might all have some problem about the financial transactions with the defendants but that he thought they were more technical and political than legal. [He gave no hint, however, of his own orchestration of perjured testimony by Magruder and others.]

Ehrlichman suggested that everyone be made to appear before the grand jury and waive executive privilege. Dean thought this would

be a good idea but only if the persons who appeared before the grand jury were given immunity. At another meeting that day Ehrlichman strongly opposed immunity (Second Haldeman Interview 9-10). On March 23rd Dean was sent to Camp David in order to complete the long-promised report. Dean was at Camp David for six days but came down on the night of the 28th and "delivered nothing" (Ehrlichman Deposition 154).

The failure of Dean's Muse while he was on the mountain is understandable, since by this time it would have been impossible to write a believable report that would not have been self-indicting. While he was at Camp David, Dean told Ehrlichman's assistant that he was "not getting the statement done but was planning his own defense" (Ehrlichman Interview 23). Haldeman talked with him several times and felt that "Dean was not having much progress in writing his report but it became clear that he was worrying more about himself" (Second Haldeman Interview 12). On the 25th the President suggested it be announced that Dean would appear before the grand jury. On the 26th Dean agreed but said that he would do so only if given immunity. (Id.)

On March 30th the President relieved Dean of any further responsibility for the Watergate investigation. He called Ehrlichman in, told him that it was evident to the President that "Dean was in the

thing up to his eyebrows," and assigned Ehrlichman to look into Watergate (Ehrlichman Deposition 155). The President indicated to Ehrlichman that his conversations with Dean throughout the preceding month had given him "a growing awareness of Dean's personal involvement in this \* \* \*" (Id., 155-156). ~~and that his sending him to Camp David was a device to make him over~~

Relieved of his Watergate duties by the President and aware that his own complicity had become obvious, Dean decided to strike out on his own to hunt for immunity for the long list of wrongs he had committed. According to the press, it was April 2nd when he first established contact with the prosecutors and attempted to bargain for immunity. While he carried on these negotiations, Ehrlichman completed his report and advised the President on April 14th that Mitchell, Magruder, and Dean were all involved (Second Haldeman Interview 15). On the 16th Dean was asked by the President to resign but refused to do so. On the 30th he was dismissed. His increasingly shrill efforts since that date to save himself by striking out recklessly at others are too familiar and too painful to require mention.

## EXHIBIT No. 68

SAM J. ERVIN, JR., N.C., CHAIRMAN  
 HOWARD H. BAKER, JR., TENN., VICE CHAIRMAN  
 HERMAN E. TALMADGE, GA. EDWARD J. GURNEY, FLA.  
 DANIEL K. INOUE, HAWAII LOWELL P. WEICKER, JR., CONN.  
 JOSEPH M. MONTOTA, N. MEX.

SAMUEL DASH  
 CHIEF COUNSEL AND STAFF DIRECTOR

FRED D. THOMPSON  
 MINORITY COUNSEL  
 RUFUS L. EDMISTEN  
 DEPUTY COUNSEL

## United States Senate

SELECT COMMITTEE ON  
 PRESIDENTIAL CAMPAIGN ACTIVITIES  
 (PURSUANT TO S. RES. 60, 93D CONGRESS)

WASHINGTON, D.C. 20510

### MEMORANDUM OF LAW

#### Admissibility of Hearsay Statements of a Co-conspirator

While Congressional hearings are not limited to the receipt of evidence competent at a criminal trial, this memorandum will summarize for the information of the Select Committee the evidentiary rules regarding the admissibility at a trial of out-of-court statements of a co-conspirator.

#### A. The Rule.

The basic rule as to the admissibility of a hearsay statement of a co-conspirator against other co-conspirators is as follows: If there is a conspiracy, the statements of any co-conspirator in the course of and in furtherance of a conspiracy are admissible as substantive evidence against all conspirators. The fact of a conspiracy and its membership must be proved, but it may be proven either by circumstantial or direct evidence,

and this evidence need not be presented before the co-conspirator's statements are heard. If the hearsay statement is presented before proof of the conspiracy, the statement is admitted conditionally, with the final determination of its admissibility dependent upon the presentations of such proof.

To illustrate: In order to induce X to participate in the venture or to do a particular act (which need not be criminal in itself), A (a participant in a crime) tells X that B and C were active with A in an unlawful conspiracy. The testimony by X as to A's out-of-court statement is admissible in a federal criminal trial, as an exception to the hearsay rule, to prove that B and C as well as A were participants in the conspiracy, so long as independent evidence of the conspiracy and participation by B and C is introduced at any point in the proceeding.

B. The Authorities.

The case law, which clearly establishes the admissibility against other co-conspirators of a co-conspirator's out-of-court statements, has an early beginning in the common law. One of the more important English cases is Regina v. O'Connell, 5 St. Tr. N.S. 1, 710-11 (1843):

When evidence is once given to the jury of a conspiracy, against A, B, and C, whatever is done by A, B, or C in furtherance of the common criminal object, is evidence against A, B and C though no direct proof be given that A, B, or C knew of it or actually participated in it . . . . If the conspiracy be proved to have existed, or rather if evidence is given to the jury of its existence, the acts of one in furtherance of the common design are the acts of all; and whatever one does in furtherance of the common design he does as the agent of the co-conspirators.

The modern federal cases apply the same rule.

One such case is United States v. Pugliese, 153 F. 2d 497 (2d Cir. 1945), in which Pugliese and his wife were charged with illegally possessing distilled spirits without having the required revenue stamps. Policemen approached the Pugliese house, talked to Mrs. Pugliese, searched the house and the adjoining one

and found the illegal liquor. Mrs. Pugliese and then Mr. Pugliese were arrested and tried together. Mr. Pugliese was convicted<sup>\*</sup> and on appeal argued that it was error for the jury to be allowed to use as substantive evidence "against Pugliese the talk between his wife and the policeman." Judge Learned Hand, writing for the Court, stated that the admissibility of the evidence

depended upon whether what she said was a step in a venture to which both were parties. If it was, it was admissible in any prosecution or in any civil action . . . As we said in *Van Riper v. United States*, 13 F. 2d 961, 967: "When men enter into an agreement for an unlawful end, they become ad hoc agents for one another, and have made a 'partnership in crime'. What one does pursuant to their common purpose, all do, and as declarations may be such acts, they are competent against all." See also *United States v. Goodman*, 2 Cir. 129 F. 2d 1009, 1013. The admissibility of the wife's declarations in the case at bar was for the judge, and the fact that the jury later acquitted her was irrelevant. The issue before him was altogether different from that before them: he had only to decide whether, if the jury chose to believe the witnesses, Pugliese and his wife were engaged in a joint undertaking; they had to decide whether they believed the witnesses beyond a doubt. Nor did it make any difference that, when the judge ruled, the prosecution had not yet proved

---

<sup>\*</sup>  
- Mrs. Pugliese was acquitted.



a common enter-prise; the order in which the evidence goes in is never important. *Cohen v. United States*, 2 Cir. 157 F. 651, 655; *Hoepfel v. United States*, 66 App. D.C. 71, 85 F. 2d 237, 242; *United States v. Manton*, 2 Cir., 107 F. 2d 834, 844. (*Id.* at 500.)

The Pugliese case was approved and relied upon in *United States v. Annunziato*, 293 F. 2d 273 (2d Cir. 1961), which affirmed the conviction of a union business agent for receiving money from an employer in violation of the Labor Management Relations Act. One important piece of evidence in that case was the testimony of Richard Terker, who had succeeded his deceased father, Harry Terker, as President of the Terry Contracting Company, Inc. Judge Henry J. Friendly described the challenged evidence:

(Richard Terker) was allowed, over objection to testify to a luncheon conversation with his father late in June or early in July, 1957. The father informed the son "that he had received a call from Mr. Annunziato" and "that he had been requested by Mr. Annunziato for some money on the particular project in question, the Bridgeport Harbor Bridge. I asked him what he intended to do, and he had agreed to send some up to Connecticut for him." Cross examination developed the sum of money mentioned was \$250. (*Id.* at 376)

The Court held that Richard Terker could testify as to what his father had told him about his conversation with Annunziato, since Harry Terker's statement was a declaration of a conspirator in furtherance of the conspiracy and therefore admissible against Annunziato.

Another important case is Allen v. United States, 4F. 2d 688 (7th Cir. 1925) in which seventy five defendants were indicted for violation of the prohibition laws and other offenses. The Court described a situation where "from police to mayor, from baliff to the court, corruption was rampant, vice was protected, bribery was common, and justice was a mockery." Id. at 691. The challenged testimony was of a newspaper reporter who related a conversation he had with an unidentified barmaid at one of the drinking establishments in question. The Court ruled that her being in back of the bar showed her to be a co-conspirator and hence "her admission was receivable as against other conspirators, it being made while the conspiracy was in force, and otherwise pertinent." Id. at 694.

The Allen court explained:

A conspiracy may be established by circumstantial evidence or by deduction from facts. The common design is the essence of the crime, and this may be

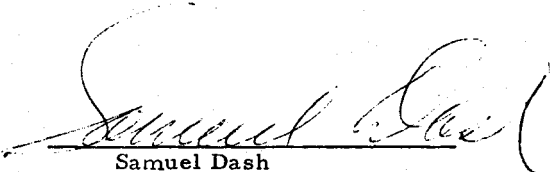
made to appear when the parties steadily pursue the same object, whether acting separately or together, by common or different means, but ever leading to the same unlawful result. If the parties acted together to accomplish something unlawful, a conspiracy is shown, even though individual conspirators may have done acts in furtherance of the common unlawful design apart from and unknown to others. All of the conspirators need not be acquainted with each other. They may not have previously associated together. One defendant may know but one other member of the conspiracy. But if, knowing that others have combined to violate the law, a party knowingly cooperates to further the object of the conspiracy, he becomes a party thereto. (Id. at 691)

As can be seen from the Allen and Pugliese cases, the amount of independent evidence needed to permit consideration of a co-conspirator's out-of-court statement is well below that needed to secure the conviction. See also United States v. Geaney, 417 F. 2d 1116, 1120 (2d Cir. 1969) ("a fair preponderance of the evidence independent of the hearsay utterances").

Of course, if the conspiracy has ended or the statement is not in furtherance of the conspiracy, for example, a confession by one conspirator after his arrest, the evidence is not admissible against his co-conspirators. In Krulewicht v. United States, 336 U.S. 440, 443-444 (1949), the Supreme Court, by Mr. Justice Black, stated:

It is firmly established that where made in furtherance of the objectives of a going conspiracy, such statements (of one co-conspirator against another) are admissible as exceptions to the hearsay rule. This prerequisite to admissibility, that hearsay statements by some conspirators to be admissible against another must be made in furtherance of the conspiracy charged, has been scrupulously observed by federal courts.

The leading commentators are fully in accord with this position. See Wigmore, Evidence, Sec. 1079 (Chadbourn rev. 1972); McCormick, Evidence, Sec. 267 (1972 ed). The proposed rules of evidence for Federal courts issued by the Supreme Court on November 20, 1972 makes a statement of a co-conspirator admissible on the ground that co-conspirators are each other's agents. Rule 801(d)(2)(E). Under this approach the statements are not even considered hearsay.



Samuel Dash  
Chief Counsel

## EXHIBIT NO. 69

GARRY BROWN  
30 DISTRICT, MICHIGAN

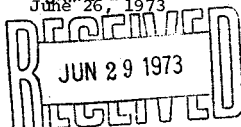
COMMITTEE ON  
BANKING AND CURRENCY

COMMITTEE ON  
GOVERNMENT OPERATIONS

JOINT COMMITTEE ON  
DEFENSE PRODUCTION

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

SAM J. ERVIN, JR.  
June 26, 1973



WASHINGTON, D.C. 20510

The Honorable Sam J. Ervin, Jr.  
Chairman  
Select Committee on Presidential  
Campaign Activities  
Senate Office Building  
Washington, D. C.

Dear Mr. Chairman:

Late yesterday afternoon upon learning of the statement given to your Committee by John W. Dean, III in which he implicated me and members of the Banking and Currency Committee in what he has alleged was a "cover-up" of the Watergate matter and other improper conduct, I immediately dictated a letter to you demanding that I be given an opportunity to appear before your Committee and respond to, deny, and rebut Mr. Dean's allegations.

Before I had an opportunity to get the letter off to you, I was pleased to be contacted by a member of your Committee's majority staff who indicated an interest in talking with me relative to the allegations set forth and involving me in Dean's statement. I met with your Mr. Dorsen and Mr. Parr and believe that this conference was mutually beneficial. I thank you for providing me with this opportunity to at least apprise your Committee staff of my position relative to Dean's charges.

Although I think I have satisfied your Committee staff members that Dean had no factual justification to link the House Banking and Currency Committee action with what he has testified were White House cover-up activities, his irresponsible or false statements with respect thereto have caused me and other members of the Banking and Currency Committee grave harm. Without equivocation, I can state it was not known to me nor to any other member of the Committee, to my knowledge, that our opposition to the granting of subpoena power to Chairman Patman was in any way, nor could be claimed to be in any way, a part of the cover-up about which Mr. Dean is testifying.

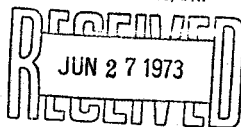
I, personally, vehemently deny the truth of Mr. Dean's statement that my letter of September 8, 1972 to the Attorney General was "in fact, drafted by Parkinson for Congressman Brown." This is an untrue statement, the letter

WASHINGTON OFFICE:  
404 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
TELEPHONE: (202) 225-5011

DISTRICT OFFICES:  
ROOM 2-1-36 FEDERAL CENTER  
74 NORTH WASHINGTON  
BATTLE CREEK, MICHIGAN 49017  
TELEPHONE: (616) 962-1551

ROOM 112 FEDERAL BUILDING  
410 W. MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49006  
TELEPHONE: (616) 381-8290  
(MON.-WED.-FRI.)

SAM J. ERVIN, JR.



WASHINGTON, D.C. 20510

The Honorable Sam J. Ervin, Jr.

- 2 -

June 26, 1973

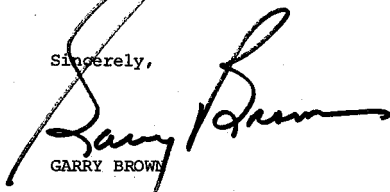
having been dictated by me and having contained my work product.

Although I am preparing a chronological statement of my whole participation in the successful effort to deny Chairman Patman subpoena power in October of last year, the mere filing of such a statement with your Committee and even the giving of the same to the media will not counteract and repudiate the publicity given to Mr. Dean's testimony.

I, therefore, respectfully request and insist that I be given an opportunity to appear before your Committee and respond to the allegations made by Mr. Dean. The granting of this request, Mr. Chairman, is the least your Committee should do, it seems to me, to attempt to correct the unwarranted and unjustified damage that has been done. Your prompt and favorable response to this request will be greatly appreciated.

With best regards,

Sincerely,

A handwritten signature in dark ink, appearing to read "Garry Brown", is written over the typed name. The signature is fluid and cursive.

GARRY BROWN

cc: Members of Select Committee on Presidential Campaign Activities

EXHIBIT NO. 70

JOHN C. STORRES, MISS., CHAIRMAN  
STUART SYMINGTON, MO.  
HENRY M. JACKSON, WASH.  
SAM S. ERVIN, JR., N.C.  
HOWARD W. CANNON, NEV.  
THOMAS J. MCINTYRE, N.J.  
HARRY F. BYRD, JR., VA.  
HAROLD E. HUGHES, IOWA  
SAM NERN, GA.  
T. EDWARD BRASWELL, JR., CHIEF COUNSEL AND STAFF DIRECTOR

STROM THURMOND, S.C.  
JOHN TOWER, TEX.  
PETER H. DOMINICK, COLO.  
BARRY GOLDWATER, ARIZ.  
WILLIAM B. SAXE, OHIO  
WILLIAM L. SCOTT, VA.

United States Senate

COMMITTEE ON ARMED SERVICES  
WASHINGTON, D.C. 20510

June 29, 1973

Senator Howard Baker  
Senator Edward Gurney  
Mr. Fred B. Thompson, Minority Counsel  
318 Senate Office Building  
Washington, D.C.

Dear friends:

Earlier testimony in today's hearing carried the impression that a friend of mine, Mr. Harry Dent, of South Carolina, might have done something improper.

I would greatly appreciate it if one of you gentlemen would set the record straight before today's hearings are completed.

The testimony that I refer to came about during questions asked by Senator Inouye, regarding attempts made by Republicans to "find dirt" on Senator Ervin. Mr. Dean said that Harry Dent had been contacted, but no one stated that Mr. Dent declined.

I suggest that this be brought out by questioning Dean directly or by obtaining permission to insert any of a number of news stories which appeared in the press which indicated that Mr. Dent had declined to do any of that type research against Senator Ervin.

Thank you for your cooperation in this matter, and with kindest personal regards,

Very truly,

*Strom Thurmond*  
Strom Thurmond

ST/mb

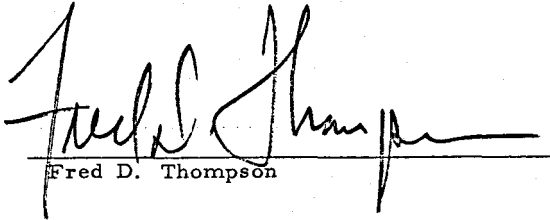
) Civil  
) Action  
) No. \_\_\_\_\_

1. Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean III. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.

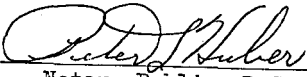


2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt, I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.

  
 Fred D. Thompson

Subscribed and sworn to, before  
 me, this 9<sup>TH</sup> day of August, 1973

  
 Notary Public, D.C.

My Commission Expires 14 May, 1978

MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS  
AND MEETINGS WITH THE PRESIDENT

September 15, 1972	Dean reported on IRS investigation of Larry O'Brien. Dean reported on Watergate indictments.
February 27, 1973	Discussed executive privilege, minority counsel for Watergate Committee. Dean suggested White House aides submit answers to interrogatories.
February 28, 1973	President inquired of Watergate, Dean said no White House involvement, Stans was victim of circumstances, Colson was lightning rod because of his reputation. Discussed wiretappings which had been brought up in the Gray hearings. Sullivan, Deputy Director, was friend of Dean and Dean suggested they make sure that wiretaps of prior years (other Administrations) be made known.
March 1, 1973	Preparation for press conference -- go over question and answer book. Was decided the question would come up as to why Dean was sitting in on FBI interviews and that the reason was he was conducting an investigation for the President. President asked Dean to write a report. Dean was also critical of Gray.
	(March 2 press conference)
March 6, 1973	Discussed executive privilege guidelines, decided to cover former White House personnel as well as present.
March 7, 1973	Again discussion executive privilege guidelines. Dean again told the President the White House was clear. The President inquired as to how Pat Gray was doing. Dean informed him E.B. Williams had dropped out of the civil case.

- March 8, 1973      President inquired as to whether Chapin had helped Segretti. Dean said no.
- March 10, 1973      ?
- (March 12: Issued statement on executive privilege, applies to present and former staffers but will provide information.)
- March 13, 1973      Preparation for press conference. Went over questions and answers. President inquired as to Ken Rietz. Dean said no illegality involved. President asked if Colson or Haldeman knew Segretti. President asked if Mitchell and Colson knew of Watergate. Dean said there was nothing specific on Colson; that he didn't know about Mitchell but that Strachan could be involved. President states again that Dean should compile a written report about the matter. Dean said Sirica was a hanging judge, the President said he liked hanging judges. They discussed fund raising before April 7. Dean said that everything that had been done was legal.
- March 14, 1973      Press conference was discussed -- questions and answers. Discussed executive privilege. Decided they needed a Supreme Court test. Decided that the President should discuss his 1948 position. That afternoon the President suggested Dean should possibly appear before the press and discussed whether Chapin should make a statement about Segretti. The Gray hearings and the use of FBI files were also discussed.
- March 15, 1973      President held press conference. That afternoon discussed that day's press conference and decided on use of "separation of powers" instead of executive privilege terminology.
- March 16, 1973      The President reiterated his position on use of raw FBI files. Suggested Dean's written report be accompanied by affidavits. Dean suggested untimely release of written report might prejudice rights of innocent people. Discussed possibility of getting

Dash to interview Haldeman and Ehrlichman. The President suggested Dean should possibly go to Camp David to write his report.

March 17, 1973

President had made a note on a press survey containing an article alleging White House involvement for follow-up (Dean possibly has copy of this). Dean again suggested they bring out 1968 bugging and President said Kleindienst had advised against it. Several names were discussed as possibly subject to attack: Colson, Haldeman, Ehrlichman, Mitchell and Dean himself. The President asked Dean point-blank if he knew about the planned break-in in advance. Dean said no, there there was no actual White House involvement regardless of appearances except possibly Strachan. Dean told President Magruder pushed Liddy hard but that Haldeman was not involved. The President wanted Haldeman, Ehrlichman and Dean to talk to the Committee and Dean resisted. Dean told the President of the Ellsberg break-in but that it had nothing to do with Watergate. ))✓

(March 19: Ervin had been on Face the Nation and accused Dean of hiding behind executive privilege.)

March 19, 1973

It was decided Dean would send a letter or sworn statement to the Judiciary Committee answering certain questions.

March 20, 1973

(Republican leadership had been in that day.) Dean discussed Mitchell's problems with the grand jury, Vesco and the Gurney press conference. The President and Moore agreed that the whole investigation should be made public and that a statement should be released immediately after the sentencing of the defendants. Dean suggested that each member of the Ervin Committee be challenged to invite an FBI investigation of his own Senate campaign. The President called Dean that night and Dean said that there was "not a scintilla of evidence" to indicate White House involvement and Dean suggested he give the President a more in-depth briefing on what had transpired.

March 21, 1973

Dean gave the President his theory of what had happened. He still said no prior June 17 White House knowledge, that Magruder probably knew, that Mitchell possibly knew, that Strachan probably knew, that Haldeman had possibly seen the fruits of the wiretaps through Strachan, that Ehrlichman was vulnerable because of his approval of Kalmbach's fund raising efforts. Colson had made the call to Magruder. He stated Hunt was trying to blackmail Ehrlichman about Hunt's prior plumber activities unless he was paid what ultimately might amount to \$1 million. The President said how could it possibly be paid, "What makes you think he would be satisfied with that?", stated it was blackmail, that it was wrong, that it would not work, that the truth would come out anyway. Dean had said that a Cuban group could possibly be used to transfer the payments. Dean said Colson had talked to Hunt about executive clemency. He spoke of Haldeman's return of the \$350,000. He said that Haldeman and Ehrlichman possibly had no legal guilt with regard to the money matters. Dean said nothing of his role with regard to the cover-up money. He said nothing about his discussions with Magruder helping him prepare for the grand jury. He said nothing of his instructions to Caulfield to offer executive clemency.

This information was gone over twice, the last time in Haldeman's presence.

Later that afternoon it was tentatively decided that everyone would go to the grand jury, however, Dean wanted immunity. Haldeman suggested that they write the whole thing out and release it from the White House. Ehrlichman said there should be no executive privilege claim and that no one should ask for immunity. The President told them to discuss these matters with Mitchell.

March 22, 1973

Mitchell suggests they go before the Ervin Committee, that they not use executive privilege but that first it should all be put down on paper .

March 23, 1973

The President called Dean and told him to go to Camp David. Later that afternoon he called Dean at Camp David to check on his progress.

(March 30: After it became obvious Dean would write no report, the President directed Ehrlichman to investigate.

On April 14 Ehrlichman reported possible Mitchell, Magruder and Dean involvement. The President called Kleindienst, who followed up. (Up until now the President had assumed Dean was getting much of his information from the Justice Department.) Kleindienst and Petersen focused in on possible involvement of Haldeman, Ehrlichman and Strachan.

On April 15 Petersen submitted a memo on Ehrlichman, Haldeman and Strachan. They also found out about Gray's destruction of documents.)

April 15, 1973

Dean along with almost everybody else was called in that day. The President told Dean that he must go before the grand jury without immunity.

April 16, 1973

The President asks Dean to resign. Had two drafts prepared for Dean's signature. Dean demanded Haldeman and Ehrlichman resign also.

(Petersen asked the President to hold off on firing Dean until they could get him before the grand jury.

On April 17 the President released his statement saying that no White House staffers would receive immunity.

On April 19 Dean said he would not be a scapegoat.

On April 27 Petersen told the President there is no use trying to get Dean to go before the grand jury, that he was demanding immunity.

On April 30 the President made his speech concerning Haldeman's and Ehrlichman's resignations and Dean's firing.)

EXHIBIT No. 71

April 24, 1973

Mr. Garnett D. Inscoe  
Suburban Trust Company  
255 N. Washington Street  
Rockville, Maryland 20850

Dear Garnett:

Enclosed you will find: (1) client's check dated April 20, 1973, numbered 1647 payable to the order of myself and Mr. McKeever as Trustees in the amount of \$4,850.00 which we have suitably endorsed to the Bank; (2) the Bank's Treasurer's check dated April 19, 1973, in the amount of \$10,350.00 covering the cash I delivered to you for safekeeping on Friday, April 13, 1973, pending the opening of an account; and (3) the two signature cards signed by Mr. Dean, myself and my partner, McKeever.

As you know, when we first discussed opening the account I contemplated that Thomas Hogan, Esquire, would be co-trustee with myself inasmuch as he then also represented Mr. Dean. However, subsequent developments (conflict of interest) have required Mr. Hogan to withdraw from the representation and, accordingly, my partner, McKeever, is acting as co-trustee.

This change also required Mr. Dean to substitute his enclosed check numbered 1647 for his check numbered 1643 originally payable to Mr. Hogan and myself as Trustees. I have had Mr. Dean void the latter check by tearing his signature therefrom and it remains in our files.

Should you be inquired of by competent authorities as to the opening of this account, please tell them all you know, including whatever I have told you.

Mr. Garnett D. Inscos  
April 24, 1973  
Page Two

Thank you for your cooperation in the matter.

Sincerely,

SHAFFER, McKEEVER & FITZPATRICK

By: \_\_\_\_\_  
CHARLES NORMAN SHAFFER

mla  
Enclosures

cc: Thomas Hagan Tozquie



Pay to the order of  
 Suburban Trust Co.  
 Charles N. Shaffer, Trustee  
 John W. Dean, Trustee

BK 109  
**SUBURBAN TRUST COMPANY**  
 6495 NEW HAMPSHIRE AVE.  
 HYATTSVILLE, MD. 20783  
 NUMBER **00958562**  
 65-234  
 550  
 April 19th 19 73  
 PAY TO THE ORDER OF \*\*\* Patrick C. McKeever, Trustee\*\*  
 John W. Dean, III, Charles N. Shaffer, Trustee and \$ 10,350.00  
**SUBURBAN TRUST CO. 10350 AND 00 CTS**  
 DOLLARS  
**TREASURER'S CHECK**  
 Purchased by: \_\_\_\_\_  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE

⑈00958562⑈ ⑈0550⑈0234⑈ ⑈ 12 0001 2⑈

Pay to the order of  
 Suburban Trust Co.  
 Charles N. Shaffer  
 John W. Dean

JOHN WESLEY DEAN III  
 100 QUAY STREET  
 ALEXANDRIA, VA. 22314  
 No. 1647  
 April 20 1973 15-52  
 540  
 PAY TO THE ORDER OF Charles N. Shaffer & Patrick C. McKeever as Trustees \$ 10,350.00  
 four thousand eight hundred - 8 - fifty 00/100 DOLLARS  
**NATIONAL SAVINGS & TRUST COMPANY**  
 WASHINGTON, D.C.  
 FOR \_\_\_\_\_  
 ⑈0540⑈0052⑈ 600⑈024 4⑈

## TO: SUBURBAN TRUST COMPANY:

You are authorized to recognize any ( ) of the ( ) signatures subscribed below in the payment of funds or the transaction of any business for this account. It is agreed that all transactions between you and the undersigned shall be governed by the contract printed on the reverse side of this card and resolution attached hereto.

~~XXXXXXXX~~ John W. Dean, III  
~~XXXXXXXX~~ *John W. Dean III*  
~~XXXXXXXX~~ Charles N. Shaffer, Trustee  
~~XXXXXXXX~~ *Charles N. Shaffer, Trustee*  
~~XXXXXXXX~~ Patrick C. McKeever, Trustee  
~~XXXXXXXX~~ *Patrick C. McKeever, Trustee*  
~~XXXXXXXX~~ *John W. Dean III* Trustee Tel. No.  
 Business Address  
 Type of Business ALL CHECKS ARE TO BE SIGNED BY JOHN W.  
 Bank Reference DEAN III AND COUNTERSIGNED BY ONE OF THE  
 Introduced by TRUSTEES Account opened by Initial Deposit \$ Date

NAK

JOHN WESLEY DEAN III 100 QUAY STREET ALEXANDRIA, VA. 22314		No. 1643
DAY TO THE ORDER OF Thomas F. Hogan & Charles N. Shaffer, Trustees \$ 4850.00		April 12 1973 15-52 540
four thousand, eight hundred & fifty <i>00</i> DOLLARS		
NATIONAL SAVINGS & TRUST COMPANY WASHINGTON, D.C.		
FOR <i>John Wesley Dean III</i>		
⑆0540⑆0052⑆ 600⑆024 4⑆		



4/13 1873

RECEIVED OF *Charles W. Shaffer*

DOLLARS

*for cash being over and over 123 30/100 each*

*and check for \$100 00 drawn on A. L. Linn M.  
payable to order of William & John Linn M.*

\$ 123 30/100

SUBURBAN TRUST CO.  
HYATTSVILLE, MD. 20783  
TREASURER'S CHECK

No. 00958562  
CUSTOMER'S COPY

4/19/73

DATE

PAYEE: John W. Dean, III,  
Charles N. Shaffer, Trust  
Patrick C. McKeever, Trust

AMT. \$ 10,350.00

PURCHASER: FOR:

To open account at  
later date

ATTACH THIS STUB TO YOUR RECORDS

SUBURBAN TRUST COMPANY

6495 NEW HAMPSHIRE AVE.  
HYATTSVILLE, MD. 20783

00958562

NUMBER

65-234  
550

April 19th 19 73

PAY TO THE ORDER OF \*\*\* John W. Dean, III, Charles N. Shaffer, Trustee and \$ 10,350.00

SUBURBAN TRUST CO. 10350 AND 00 CTS

DOLLARS

TREASURER'S CHECK

Purchased by:

*James D. Inscar*

AUTHORIZED SIGNATURE

⑈00958562⑈ ⑆0550⑈0234⑆ ⑈ 12 0001 2⑈

XXXXX  
MEMBERSHIP  
ASSOCIATION

## TO: SUBURBAN TRUST COMPANY:

You are authorized to recognize any ( ) of the ( ) signatures subscribed below in the payment of funds or the transaction of any business for this account. It is agreed that all transactions between you and the undersigned shall be governed by the contract printed on the reverse side of this card and resolution attached hereto.

XXXXXX John W. Dean III

XXXX Charles N. Shaffer, Trustee

XXXX Thomas F. Hogan, Trustee

XXXX PATRICK C. McKEEVER, TRUSTEE

4 XXXX

Business Address

Tel. No.

Type of Business

ALL CHECKS ARE TO BE SIGNED BY JOHN W.

Bank Reference DEAN III AND COUNTERSIGNED BY ONE OF THE

Introduced by TRUSTEES

Account opened by

Initial Deposit \$

Date

NAK

XXXXX  
MEMBERSHIP  
ASSOCIATION

## TO: SUBURBAN TRUST COMPANY:

You are authorized to recognize any ( ) of the ( ) signatures subscribed below in the payment of funds or the transaction of any business for this account. It is agreed that all transactions between you and the undersigned shall be governed by the contract printed on the reverse side of this card and resolution attached hereto.

XXXXXX John W. Dean, III

XXXXXX

XXXXXX Charles N. Shaffer, Trustee

XXXXXX *Charles N. Shaffer, Trustee*

XXXXXX Patrick C. McKeever, Trustee

Business Address

Tel. No.

Type of Business

ALL CHECKS ARE TO BE SIGNED BY JOHN W.

Bank Reference DEAN III AND COUNTERSIGNED BY ONE OF THE

Introduced by TRUSTEES

Account opened by

Initial Deposit \$

Date

NAK

XXXXX  
MEMBERSHIP  
ASSOCIATION

## TO: SUBURBAN TRUST COMPANY:

You are authorized to recognize any ( ) of the ( ) signatures subscribed below in the payment of funds or the transaction of any business for this account. It is agreed that all transactions between you and the undersigned shall be governed by the contract printed on the reverse side of this card and resolution attached hereto.

XXXXXX John W. Dean, III

XXXXXX

XXXXXX Charles N. Shaffer, Trustee

XXXXXX *Charles N. Shaffer, Trustee*

XXXXXX Patrick C. McKeever, Trustee

Business Address

Tel. No.

Type of Business

ALL CHECKS ARE TO BE SIGNED BY JOHN W.

Bank Reference DEAN III AND COUNTERSIGNED BY ONE OF THE

Introduced by TRUSTEES

Account opened by

Initial Deposit \$

Date

NAK

## EXHIBIT No. 72

20027 REQUEST FOR TRANSPORTATION DATE 10-11-72 CONTACT Jane

TRAVELER Mrs. J. Dean EXT 2741 ROOM \_\_\_\_\_

FROM D.C. TO Miami AND RETURN/ONE-WAY \_\_\_\_\_

CARRIER	FLIGHT	DATE	TIME	SPACE, ROUTING, ETC.
<u>EAL</u>	<u>195</u>	<u>10/14</u>	<u>9:00 AM</u>	<u>DCA</u> <u>F</u> <u>11/13</u>
			<u>11:10 AM</u>	<u>Min</u>
<u>NAL</u>	<u>102</u>	<u>10/18</u>	<u>6:00 PM</u>	<u>✓</u> <u>F</u>
			<u>8:10 PM</u>	<u>DCA</u>

Tickets 0379167/168

REQUESTED TRU 554-1170 Box STATUS OK

PAYMENT AX 090 750 9129 100 FARE 336.00 PICKUP LIMIT \_\_\_\_\_

04/73

## EXHIBIT No. 73

REQUEST FOR TRANSPORTATION DATE 10/19/72 CONTACT Mr. Dean  
 TRAVELER Mr. + Mrs. J. Dean EXT Home ROOM \_\_\_\_\_  
 FROM Washington DC TO Miami, Fla JARD RETIRE/ONE WAY

CARRIER	FLIGHT	DATE	TIME	SPACE, ROUTING, ETC.
OK EA	195	10/20	9:00A	DCA F
			11:10A	MIA
OK NA	102	10/23	6:00P	MIA <del>OK</del> <del>EA</del> <del>OK</del>
			8:10P	DCA
EA	176	10/22	3:35P	MIA <del>F</del> <del>OK</del> <del>OK</del>
			5:45P	DCA <del>OK</del> <del>OK</del> <del>OK</del>
EA	198	10/23	5:30P	EA <del>OK</del> <del>OK</del> <del>OK</del>
			7:40P	(W.L.) F
REQUESTED TARIFF	EX 3-4000		STATUS	OK
PAYMENT			FARE	PICKUP LIMIT

## EXHIBIT No. 74

## COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1701 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D. C. 20006  
(202) 333-0920

December 3, 1971

CONFIDENTIAL

## MEMORANDUM FOR THE ATTORNEY GENERAL

Enclosed is a memorandum relating to White House support that the RNC is currently providing. The major question asked in this memorandum is whether the RNC should continue to fund these activities or whether the Committee for the Re-Election of the President should. Both Hugh Sloan and I feel funding should be assumed by our Committee. Because of the December 1 deadline, this question needs to be answered as soon as possible.

We recommend that the Committee for the Re-Election of the President assume all White House support activities.

Approve   X   Disapprove            Comment           



JEB S. MACGRUDER

CONFIDENTIAL



## EXHIBIT No. 75

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

1731 PENNSYLVANIA AVENUE N.W.  
WASHINGTON, D. C. 20004  
(202) 333-0820

January 14, 1972

CONFIDENTIAL

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: Telephone Plan for the Florida Primary

The telephone can be used effectively in many ways in a campaign. In the New Hampshire Primary, the President has two opponents on opposite sides of the political spectrum who are able to achieve visibility in a small state. Therefore, the telephone is being used to canvass the voters, determine their voting intentions and focus on those who are undecided. In Florida, Ashbrook's major problem is to become known to the voters. As long as the President is dominant in the minds of the voters, the objective of the telephone should be to make them aware of the election and get them to turn out.

A technique that is effective in that direction is the use of recorded messages over the telephone. In Florida, the most appropriate type of message would be an endorsement of the President by a conservative of national stature, such as Governor Reagan or Senator Goldwater.

Such messages have been used successfully in many local campaigns. Although they are not particularly effective in changing the attitudes of the voters, they do appear to be effective in increasing the turnout.

The proposed telephone operation would be done the last two weeks of the campaign, when the voters are most likely to be influenced by media communications. It would cover the five priority counties which contain 60% of the state's registered Republicans: Pinellas, Broward, Dade, Palm Beach and Orange. If there is additional time available during the two-week blitz, other counties would be covered on a priority basis, according to their Republican registration (Tab A).

CONFIDENTIAL

- 2 -

This program would be carried out by a professional vendor, equipped to place such calls in high volume and experienced in Republican political campaigns. We have had exploratory talks with several who would be qualified.

The cost is expected to be no more than ten cents per call, including the obtaining of telephone numbers. Therefore, the total projected cost would be:

Five priority counties:

430,000 registered Republicans  
(Estimated 275,000 households)

275,000 X \$.10 = \$27,500

280,000 remaining Republicans in the state  
(Estimated 180,000 households)

180,000 X \$.10 = 18,000

Total cost (if all Republicans are contacted) \$45,500

If you agree with this concept and the approximate cost of \$45,000, we will proceed to select the most qualified vendor and develop a specific cost proposal for your approval.

Recommendation

That you approve the concept of using the telephone to communicate recorded messages to registered Republicans in Florida, subject to your final approval of the specific cost proposal and choice of vendor.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Comment \_\_\_\_\_

*Hold for now  
pending standings in polls*

JEB S. MAGRUDER

CONFIDENTIAL

# DA KEY COUNTIES AND KEY PRECINCTS

(Where The Votes Are To Win)

	1969 Republican Registration	% State
	Reg.	
1. Pinellas	121,895	19%
2. Broward	95,166	15%
3. Dade	72,019	11%
4. Palm Beach	50,442	8%
5. Orange	37,590	6%
6. Brevard	30,277	5%
7. Sarasota	30,146	5%
8. Hillsborough	27,230	4%
9. Volusia	22,365	4%
10. Duval	21,489	3%
	493,947	80%
11. Manatee	14,673	2%
12. Polk	14,181	2%
13. Lee	13,091	2%
14. Pasco	10,441	2%
15. Seminole	7,580	1%
	553,913	89%
16. Lake	7,127	1%
17. Escambia	6,767	1%
18. Charlotte	5,466	1%
19. St. Lucie	4,492	.5%
20. Alachua	4,411	.5%
	582,176	93%
21. Indian River	4,221	.5%
22. Collier	4,153	.5%
23. Marion	3,665	.5%
24. Leon	3,496	.5%
25. Martin	3,449	.5%
	601,160	96%
26. Osceola	3,147	.5%
27. Okaloosa	2,448	.4%
28. Highlands	2,256	.4%
29. Bay	1,987	.3%
30. Monroe	1,804	.3%
	612,802	98%

